

**FINAL 24<sup>th</sup> May 2021**

**Mid Sussex Site Allocations Development Plan Document**

**Statement of Common Ground**

**Organisations: Glenbeigh Developments Ltd (Respondent 663) and Mid Sussex District Council**

**Covering: SA23 Land at Hanlye Lane, Cuckfield**

**1.0 Introduction**

- 1.1 This Statement of Common Ground (SoCG) identifies the areas of agreement and disagreement between Mid Sussex District Council (MSDC) and Glenbeigh Developments Limited (Glenbeigh) in respect of land at Hanlye Lane, Cuckfield (the Site). The Site benefits from a draft allocation within the submission draft Site Allocations DPD (allocation ref. SA23 – Land at Hanlye Lane to the east of Ardingly Road, Cuckfield) for 55 dwellings and formal and informal open space. Glenbeigh are the site promoter.
- 1.2 This SoCG has been prepared to assist the examination into the Site Allocations DPD and relates to Site Allocation SA23 Land at Hanlye Lane, Cuckfield and the Inspector’s Questions raised at Matter 3.3 (i)-(xi).

## 2.0 Matters in Agreement

2.1 The Inspector has published his Matters, Issues and Questions (MIQs) Discussion Note. Matter 3.3 (i)-(xi) sets out the questions relating to sustainability and deliverability of the proposed housing allocations. This SoCG sets out the matters in agreement and disagreement having regard to these questions. Matters in agreement are set out below, with those not agreed in Section 3.

*(i) the willingness (or otherwise) of the landowner(s) to implement their sites on the basis of the relevant policy.*

2.2 Glenbeigh has actively promoted the Site in respect of the Cuckfield Neighbourhood Plan (promotion dated March and September 2013), the Strategic Housing and Economic Land Availability Assessment (SHELAA) (promotion dated October 2017), and various representations in respect of the Mid Sussex District Plan 2014-2031, the Site Allocations Development Plan Document Regulation 18 consultation (representation dated November 2019) and Regulation 19 consultation (representation dated September 2020). Glenbeigh control the site through a Promotion Agreement and its interest is of more than sufficient duration to accommodate the procuring of planning permission and development.

2.3 Glenbeigh are committed to bringing the site forward for residential use and agree with the indicative phasing of 1 to 5 years set out in the policy wording.

*(ii) safe and secure access, which can be provided within the ownership of the allocated site, or does the scheme rely on the acquisition of off-site land.*

2.4 As per the requirements of Policy SA23, it is agreed that both vehicular and pedestrian access will be provided from Hanlye Lane to the North. A detailed Junction Plan (ref SK191114.1) [SA23.5] has been prepared and does not rely upon or require the acquisition of any off-site land.

2.5 The access arrangements have been subject to a Stage 1 Road Safety Audit (RSA) and a formal pre-application response from West Sussex County Council (WSCC) (enclosed at Appendix 11 of SA23.7). WSCC have confirmed that the RSA has been undertaken in accordance with the relevant parameters. WSCC also confirms that all 4 issues previously raised have now been addressed and specifically that it is not considered necessary to move the speed limit boundary to the east. Such details can however be agreed at planning application stage but would not inhibit the development of the site.

2.6 It is agreed that safe and secure access can be provided within the ownership of the allocated site.

*(iii) any conflict with a made Neighbourhood Plan*

2.7 The Cuckfield Neighbourhood Plan was made in May 2014. The site falls within the Cuckfield Neighbourhood Plan Area but outside of the current Built Up Area Boundary (BUAB) and is not allocated for development.

2.8 Para 30 of the NPPF confirms that "Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently".

2.9 In this respect, the Mid Sussex District Plan 2014-2031 was adopted in March 2018 and supersedes the Neighbourhood Plan. Policy DP4 of the Adopted Mid Sussex District Plan 2014-2031 identifies the need for a residual 2,439 dwellings to come forward in the period 2014-2031 and that these are to be allocated through future Neighbourhood Plans and a Site Allocations document. The Policy identifies the spatial distribution of the housing requirement based on Settlement Category. Policy DP6 Settlement Category identifies that Cuckfield is a Category 2 Settlement with a minimum residual housing requirement from 2017 onwards of 200 dwellings. In short, the Adopted Mid Sussex District Plan 2014-2031 identified the need for the allocation of further sites to meet the residual requirement for 200 homes beyond that provided for in the Neighbourhood Plan 2014. The allocation of SA23 Land at Hanyle Lane is therefore consistent with the Adopted Mid Sussex District Plan 2014-2031 which would supersede the relevant sections of the made neighbourhood plan upon adoption.

2.10 The allocation of the Site followed a robust process of assessment set out in the Council's Site Selection Paper 1 Assessment of Housing Sites against District Plan Strategy (SSP1), Site Selection Paper 2 Methodology for Site Selection (SSP2) and Site Selection Paper 3 Housing Sites (SSP3). The assessment work concludes the site is suitable for development.

2.11 It is agreed that the allocation of 55 dwellings to SA23 Land at Hanlye Lane is consistent with the Adopted Mid Sussex District Plan 2014-2031 which identified the need for a housing requirement at Cuckfield of 200 units (Policy DP6: Settlement Hierarchy). The review of sites and allocation of the Site followed a robust process and is justified by the evidence base.

*(iv) any conflict with national planning policy*

2.12 The Site is not located in an AONB (however, it will need to respect the setting of the High Weald AONB) or protected landscape, it is not in an area at risk of flooding nor is it designated Green Belt. It is agreed that the allocation of the Site and provisions set out therein are consistent with national planning policy.

*(v) any significant infrastructure considerations, including vehicular access, traffic circulation and highway and pedestrian safety, flooding, drainage and sewerage implications; are any of these 'showstoppers'.*

2.13 The Site has been subject to technical assessments and an indicative Masterplan that were appended to Glenbeigh's Regulation 19 representation [SA23.7 and Representation ID number 663] as follows:

- Opportunities and Constraints Plan 2020 (Ref 20253/OP-01 Rev A).
- Masterplan Update 2020 (Ref 20253/MP-01 Rev A).
- Pegasus Landscape Statement 2019.
- Barton Hyett Tree Survey and Arboricultural Impact Assessment 2019.
- Orion Historic Environment Desk Based Assessment 2020.
- Ecology Solutions Ecological Assessment 207.
- Site Junction Plan Ref SK191114.1.
- Connect Consultants Site Accessibility Overview Technical Note 2019.
- CSA Utilities – Planning Position Statement.

2.14 In addition to the above the Council has prepared its own evidence base testing the Site. The Site Selection Papers cited [SSP1, SSP2, SSP3] shortlisted the sites identified by the SHELAA and resulted in 51 sites as having potential for an allocation. These were assessed in the Sustainability Appraisal (July 2020) [SUS1]. The Site was tested against reasonable alternatives and was selected as an allocation. The site-specific assessment states [SSP3]:

“Site 479 performs positively against social and economic SA objectives and it is well located for access to key services and facilities, helping reduce the need to travel to meet key needs. The site performs positively in relation to the housing objective as it will make a sustainable contribution to meeting the residual requirement in Cuckfield. Potential negative effects on biodiversity via effects on ancient woodland could be likely be mitigated through design and layout of the final scheme.”

2.15 It is agreed that there are no ‘showstoppers’ that would prevent the Site coming forward for the proposed 55 dwellings or the indicative phasing of 1-5 years.

2.16 *Vehicular access, traffic circulation and highway and pedestrian safety:* The agreed position is as per the above.

2.17 *Flooding:* The Site is located wholly within Flood Zone 1 (1 in 1000 chance of flooding). It is agreed that the site is appropriate for residential development.

2.18 The wording of the policy sets out three bullet points relating to flood risk and drainage. The second and third bullets are agreed. The first bullet point as stated below is not in agreement and is considered in Section 3 below:

- The site is situated next to the village pond. The culverted pipe taking the outflow of the pond to the watercourse along the western boundary of the site to the southern field is in poor condition. Consider drainage works to improve the situation such as creating an open watercourse to avoid future blockage and capacity issues.

2.19 *Drainage and Sewerage implications:* It is agreed that reinforcement of the sewerage network is required, and this can be secured through the normal processes. Southern Water have been engaged by the promoter and confirmed through letter dated 25<sup>th</sup> August 2020 (enclosed at Appendix 12 of SA23.7) that reinforcement would be required, and that Southern Water would be obliged to provide sufficient capacity to service the development and would aim to provide this within 24 months of a grant of planning permission.

*(vi) any significant impact on the living conditions of neighbouring occupiers, or future occupiers of the proposed development*

2.20 The Site is bounded by Hanlye Lane to the north, with residential properties located along the east and west boundaries. The site has been subject to an initial opportunities and constraints exercise and illustrative masterplan prepared by Glenbeigh. Whilst detailed site layout is a matter for consideration as part of any future planning application, it is agreed that the Site provides sufficient opportunity to sensitively locate new residential development to ensure no significant impact on the living conditions of surrounding occupiers. Moreover, provide a well-considered residential scheme of 55 dwellings that achieves appropriate living conditions and amenity for future residents. These are matters for detailed consideration as part of a future planning application.

*(vii) any significant impact on the quality of the landscape, e.g., the integrity of any green gaps, and the ecology of the site and the surrounding area, and proximity to ancient woodland*

2.21 The Site has been subject to a Pegasus Landscape Statement 2019 and Barton Hyett Tree Survey and Arboricultural Impact Assessment 2019, enclosed as Appendices 5 and 6 of SA23.7. There are no landscape designations covering the Site itself. The High Weald Area of Outstanding Natural Beauty (AONB) lies to the North immediately beyond Hanlye Lane at its closest point. Subject to detailed layout considerations and submission of the relevant technical reports, development on the Site would not cause any unacceptable harm to this designated landscape.

- 2.22 There are no statutory designated sites of nature consideration interest within or adjacent to the site. The nearest statutory designated site is Blunts and Paiges Woods Local Nature Reserve (LNR) and is located approximately 0.7km from the Site at its closest point. Ashdown Forest Special Area of Conservation and Special Protection Area is located over 11km from the Site and the Site is outside the 7km zone of influence for the Ashdown Forest Special Protection Area. Due to this distance and the separation of the Site by agricultural land it is not considered that development at the Site would affect the statutory sites.
- 2.23 An area of ancient woodland lies adjacent to the southwest corner of the Site and as such any development will accord with Natural England's standing advice.
- 2.24 The 'Landscape Considerations' of the draft allocation have been prepared in the context of the above and are agreed between the parties. Glenbeigh supports the restriction of development to the northern part of the site away from ancient woodland, the need to minimise the loss of existing hedgerows and trees across and on the boundaries of the Site, including those with Tree Preservation Orders. Moreover, the need to undertake a Landscape and Visual Impact Assessment (LVIA) to inform the site layout, capacity and mitigation in respect of the setting of the High Weald AONB adjacent to the north and on the wider countryside is agreed.

*(viii) any impact on Conservation Areas, heritage assets or areas of archaeological significance*

- 2.25 As noted above, the Site has been the subject of a Historic Environment Desk Based Assessment 2020 prepared by Orion enclosed at Appendix 7 of SA23.7. Borde Hill, a Grade II\* Registered Park and Garden (RPG) lies approximately 500m to the north east of the Site. There is no inter-visibility between the RPG and the Site due to the substantial amount of intervening vegetation. There are no Scheduled Monuments, Conservation Areas or Listed Buildings within or immediately adjacent to the Site. The nearest Listed Buildings (all Grade II) to the Site are physically and visually separated from it by existing development and intervening vegetation. The two Conservation Areas within Cuckfield are similarly physically and visually separated from the Site by existing development within the settlement.

2.26 It is agreed that archaeological interest of any remains present within the Site could be secured by a staged programme of archaeological works at the planning application stage, which could confirm the extent of any archaeological remains, identify any areas of interest, and excavate and record these prior to construction activity.

2.27 It is agreed that heritage and archaeological interest are not an impediment to the delivery of the Site.

*(ix) access to shops, schools, health provision and services, community facilities, public transport and employment, i.e., is the location sustainable*

2.28 Cuckfield is agreed to be a sustainable location. Adopted Mid Sussex District Plan 2014-2031 Policy DP6 Settlement Category identifies that Cuckfield is a Category 2 Settlement, which is defined as 'larger villages acting as Local Service Centres providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport'.

2.29 The Site is in walking distance of a range of local facilities and services within Cuckfield. The requirement for the provision of pedestrian and/or cycle links to Ardingly Road, Longacre Crescent to enhance connectivity with Cuckfield is agreed.

2.30 In terms of wider accessibility to public transport and employment, the Site is in walking distance of bus stops with regular local services. It is within cycling distance of much of Haywards Heath, including Haywards Heath Station, with rail services to London and the south coast. There are therefore good opportunities for future residents to make journeys by sustainable travel modes. The Site is readily accessible by car, with links to the local and strategic road network. These are considered further in the Connect Consultants Site Accessibility Overview Technical Note 2019 enclosed at Appendix 10 of SA23.7.

*(x) contamination or other ground or stability issues*

2.31 The draft policy states that 'the land may be contaminated due to present or historical on site or adjacent uses. Provide a detailed investigation into possible sources of on-site contamination together with any remedial works that are required'.

2.32 Glenbeigh agree that a Ground Conditions Phase 1 Assessment will be undertaken and submitted with any future planning application.

*(xi) any other material considerations which could impact on the sustainability of the proposed allocation?*

2.33 No.

*Schedule of Proposed Minor Modifications to the Regulation 19 Submission Draft Site Allocations DPD*

2.34 The Council has published a Schedule of Proposed Minor Modifications [DPD2] to the Regulation 19 Submission Draft Site Allocations DPD, these propose changes to the 'Objectives' of the allocation as follows:

- To deliver a high quality, landscape led, sustainable extension to Cuckfield, which provides enhanced and accessible open space; respects the character of the village and conserves and enhances the setting of the High Weald AONB; and which is comprehensively integrated with the settlement so residents can access existing facilities.

2.35 Moreover the 'Landscape Considerations' of the draft policy as follows:

- Undertake a Landscape and Visual Impact Assessment (LVIA) to inform the site layout, capacity and mitigation requirements ~~to minimise impacts on~~ in order to conserve and enhance the setting of the High Weald AONB adjacent to the north and minimise impacts on the wider countryside.

2.36 The above wording changes are agreed.

### 3.0 Matters not in agreement

#### *Flood risk and drainage*

3.1 As noted above the wording of the policy sets out three bullet points relating to flood risk and drainage. The first bullet point is worded as follows and is not agreed:

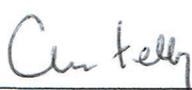
- The site is situated next to the village pond. The culverted pipe taking the outflow of the pond to the watercourse along the western boundary of the site to the southern field is in poor condition. Consider drainage works to improve the situation such as creating an open watercourse to avoid future blockage and capacity issues.

3.2 It is Glenbeigh's position that the pond is outside of the site allocation and is in private ownership. The above requirement is not required to enable the Site to come forward. The SUDS/drainage scheme will be designed so as not to undermine the pond. It is Glenbeigh's position that this bullet point should be removed. However, should the Inspector consider that some form of provision is required, then the wording of the allocation should change to:

- The site is situated next to a privately owned pond. The SUDS/drainage scheme should be designed so as not to undermine the pond.

3.3 It is the Council's position that the existing flood risk and drainage requirements set out in Policy SA23 should be retained in case circumstances change by the time of a planning application. The current policy wording shown in paragraph 3.1 above states 'Consider drainage works ...'. This policy requirement has been included on the advice of the Council's Drainage team [Statement of Consultation Regulation 19: Appendix 9 – C1].

#### 4.0 Signatories

Signature: 	Signature: 
Mid Sussex District Council	Glenbeigh Developments Limited
Date 27th May 2021	Date 24 <sup>th</sup> May 2021