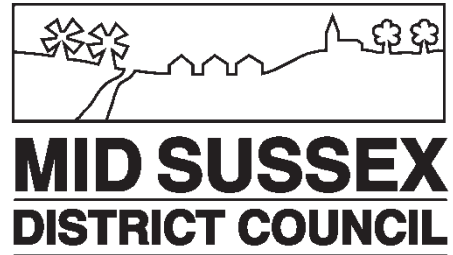


**Mid Sussex
District Council**



Site Allocations DPD

MSDC-04: Note on policies SA34 – SA38

12th July 2021

Matter 1.2: Note on the appropriateness of Strategic Policies SA34 – SA38

This note has been prepared in response to queries raised in the Matter 1 hearing session on 1st June 2021, at the request of the Inspector [ID-05, AP2]. It responds to queries relating to the justification of policies:

- **SA34: Existing Employment Sites**
- **SA35: Safeguarding of Land for Highway Improvements**
- **SA36: Wivelsfield Railway Station**
- **SA37: Burgess Hill to Haywards Heath Multifunctional Network**
- **SA38: Air Quality**

SA34: Existing Employment Sites

The scope of the Sites DPD [page 4] includes “*ii) to allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development*”. Policy **SA34: Existing Employment Sites** includes allocations of existing employment sites, to which the protection, intensification, redevelopment and expansion requirements of SA34 would apply. The policy is therefore clearly within the scope of the Sites DPD.

Policy SA34 is directly related to both District Plan policy **DP1: Sustainable Economic Development** and Sites DPD policy **SA1: Sustainable Economic Development – Additional Site Allocations**.

DP1: Sustainable Economic Development sets the Council’s strategy for employment within the district. It established:

- the number of additional jobs required for the plan period 2014-2031,
- how the jobs requirement would be met, including provision of new employment land and premises,
- set out a broad location for a Science and Technology Park to the west of Burgess Hill
- set policy to make effective use of employment land and premises including protection for “existing employment land and premises”.

Whilst DP1 seeks to protect allocated and existing employment land and premises it does not define these or indicate their location on the Policies Map. Whilst it would not be possible to map all land within the district that offers employment, it is possible to identify key employment areas such as business parks, industrial estates and standalone office buildings/office estates. These are in use classes E(g) (formerly B1), B2 and B8 which are the use class classifications that form the calculation of employment need both in the original Economic Growth Assessment [E1] and Site Selection Paper 4 [SSP4, Appendix 1]. The protection of these uses is therefore consistent with the uses that form the calculation of employment need.

The identification and allocation of Existing Employment Areas in SA34 helps to protect these areas from their loss, providing an element of clarity to policy DP1 in relation to its reference to “existing employment land and premises”. This will help ensure total employment need over the plan period is met (in accordance with the scope of the Sites DPD) – without such a policy any loss of employment land would contribute to increasing residual employment need.

Sites DPD policy **SA1: Sustainable Economic Development – Additional Site Allocations** proposes allocation of 7 additional employment sites to meet updated employment needs and as a result of monitoring. Site Selection Paper 4 [SSP4] provides the reasoning and calculations – an additional need of 10-15ha has been established, the 7 additional employment sites total 17.4ha therefore providing a small over-supply for flexibility and resilience.

Policy SA34 allows for expansion and intensification of existing employment sites both within the built-up area and outside (subject to meeting policy criteria). This therefore forms another source of employment supply – whilst this will be ‘windfall’ development and cannot be relied upon, it provides resilience to ensure the residual employment needs can be met should any allocated sites be delayed, brought forward for a lower yield, or not delivered within the plan period. Whilst some parties have criticised the spatial distribution of the proposed employment sites SA2 - SA8, SA34 is a clear indication that expansion of existing employment estates is supported by the District Council which will provide more employment opportunities district-wide, as well as supporting existing businesses to stay and expand, so long as certain criteria are met.

This statement is concerned with the principle of having a policy on this subject. A separate Action Point [AP14] deals with specific proposals to amend the wording of this policy.

SA35: Safeguarding of Land for Strategic Highway Improvements

Policy **SA35: Safeguarding of Land for Strategic Highway Improvements** includes three safeguarded areas to support delivery of transport schemes:

- A23 junction upgrades at Hickstead
- A22 Corridor upgrades at Felbridge, Imberhorne Lane and Lingfield Junctions
- A264 Corridor upgrades at Copthorne Hotel Junction

A23 Junction Upgrades at Hickstead

Policy **SA9: Science and Technology Park** is situated north of the A2300. As indicated in the Council's response to matter 6.3 Strategic Highways Network [MSDC-02f], the Regulation 18 Strategic Transport Study [T6] concluded that the A23/A2300 southbound on-slip was forecast to be 'severe'. A subsequent iteration [T7] modelled a mitigation option at this junction which demonstrated an in-principle solution exists.

The agreed Statement of Common Ground [DC17, updated in DC26] between Mid Sussex District Council, the site promoter, West Sussex County Council and Highways England confirms agreement to an in-principle solution, three potential design options and accompanying safety audits.

The Statement of Common Ground (DC26 paragraph 3.2.2) confirms ongoing work will continue to determine the preferred option solution. Therefore, to ensure highways mitigation to address the impacts can be delivered in due course, the Council conclude it is important to safeguard this area against development which could prejudice its delivery. This policy is therefore directly related to, and supports, allocations within the DPD.

A22 Corridor and A264 Corridor Upgrades

In relation to the (i) A22 corridor upgrades at Felbridge, Imberhorne Lane and Lingfield junctions, and (ii) A264 Corridor upgrades at Copthorne Hotel junction, these junctions have been identified (working in partnership with West Sussex County Council and Surrey County Council Highway Authorities and Highways England) as having pre-existing capacity / safety issues. Policy SA35 intends to safeguard these to enable delivery of highway improvement schemes in due course. The policy is strategic and seeks to address potential impacts both within and from outside the district and is not required to mitigate District Plan growth (inclusive of sites proposed for allocation within the Sites DPD).

The policy also acknowledges the fact that the planning and funding of highway and transport infrastructure can take time to prepare and it seeks to ensure that the implementation of the Development Plan is not compromised by inappropriate development occurring in the interim which could prevent future highway schemes being delivered. There are currently no agreed schemes for mitigation which relate to any of the identified junctions and work to refine highway infrastructure proposals will only be considered once all relevant sustainable travel interventions have been fully explored and taken into account.

In respect of the junctions along the A22 corridor, a number of studies have been commissioned in the past to determine capacity and safety issues and appropriate mitigation. This has been confirmed in the Strategic Transport Study [T7] which acknowledges congestion issues along this corridor leading to significant rerouting elsewhere in the network to avoid the route.

The Felbridge junction, A264 corridor and Copthorne Hotel junction have been identified in the transport evidence base for the Tandridge Local Plan. Mitigation for the A264 Copthorne Hotel junction is likely to require substantial alterations in order to accommodate the growth in the Tandridge Plan and as noted in the council's Matter 6 statement (Q 6.3), Tandridge Council's investigation into the Felbridge junction identified the potential need to secure land outside the highway boundary to accommodate some of the potential options. Uncertainty continues to surround the Tandridge Local Plan, however addressing existing capacity and safety issues along the corridor remain important for each of the authorities. Commitment to addressing these issues is evidenced by the signed SoCG [DC12 – Surrey CC and DC13 Tandridge District Council] which highlight continued joint working to progress detailed feasibility work and to assist in bringing forward schemes at these locations - proposed policy SA35 will assist in achievement of securing appropriate schemes.

SA36: Wivelsfield Railway Station

Policy **SA36: Wivelsfield Railway Station** includes two areas of land to the west of Wivelsfield Station, north and south of Leylands Road to be safeguarded to support the planned expansion and upgrade of the railway station. The policy seeks to provide a tool for the council to be able to resist development which could prejudice improvement / expansion schemes coming forward in the future; it is not seeking to implement any particular scheme through the policy itself.

Wivelsfield railway station is located on the Brighton Mainline and serves as a public transport hub. This role will significantly increase due to its proximity to the strategic residential and employment allocations to the north and north-west of Burgess Hill and east of Burgess Hill as set out in the District Plan 2014-2031 and the detailed allocation in the Site Allocations DPD for **SA9: Science and Technology Park**.

As set out in the supporting text for Policy SA36, the council has a long-standing ambition to expand and upgrade facilities at Wivelsfield Railway Station to improve efficiency and effective operation of the station, to increase the use of sustainable modes of travel within the town and make it more attractive to users. The ambitions for the site include improvements to the station as well as its links to other sustainable travel modes through upgrades to bus stop infrastructure and provision of cycle links directly connecting with on-going cycle routes to key locations. Safeguarding this land will assist.

Context

The expansion and improvement plan for the station are being brought forward under a separate council initiative and any planning decision will need to take account of the development plan for the area - the Mid Sussex District Plan and the 'made' Burgess Hill Neighbourhood Plan (BHNP).

The proposals align with and are required to deliver the overall development strategy and strategic objectives of the Mid Sussex District Plan. In particular, it supports the delivery of Policy DP7 – General Principles for Strategic Development at Burgess Hill by making improvements to public transport, walking infrastructure and access to Wivelsfield railway station and enhancing a key transport interchange.

Relevant extract from policy DP7:

- *Improve public transport, walking and cycling infrastructure and access to Burgess Hill and Wivelsfield railway stations and Burgess Hill Town Centre, including the provision of, or contributions to enhancing transport interchanges;*

In addition, expansion and upgrades to the station are required to deliver the core objectives of the Burgess Hill Neighbourhood Plan. In particular, it supports delivery of Policy S2 that seeks improvements to accessibility, pick-up / drop-off facilities, car park provision and the public realm at Wivelsfield railway station.

In the wider context of Burgess Hill, improvements at Wivelsfield station are also required to support the Burgess Hill Strategic Growth Programme by ultimately safeguarding highway network capacity by achieving greater use of sustainable transport modes. The improvements are required to reduce traffic congestion and conflict in a congested part of the highway network and will be of significant benefit to residents and visitors.

The Masterplan and Infrastructure Delivery Plan and Phasing Strategy for the Northern Arc strategic allocation (District Plan Policy DP9) formed material considerations in support of

the positive determination of Northern Arc planning applications. A key Strategic Development Principle contained within the approved Masterplan sets out mechanisms for integrating the Northern Arc development with the town and facilitating sustainable transport movement which includes linkages with Wivelsfield station. The Wivelsfield station proposal will support and compliment the achievement of this key development principle and the delivery of the Northern Arc development, a cornerstone of the Burgess Hill Strategic Development Programme.

Appropriate

As set out in the council's response to ID-01 and that of the site promoters for the Science and Technology Park (SA9), sustainable travel measures have been prioritised ahead of physical mitigation schemes and a detailed Mobility Strategy has been prepared by the site promoter in collaboration with the Transport and Mobility Group (WSCC HA, MSDC, Highways England and the site promoter). The Mobility Strategy target is to achieve an overall mode-shift of 10% away from the private car and identifies a wide range of measures, including the potential for shuttle services from Burgess Hill and Wivelsfield Stations.

There are no alternative sites in the vicinity of Wivelsfield Station available to deliver the project which escalates the importance of being able to safeguard the identified land to facilitate the improvement schemes and realise this longstanding objective.

The Wivelsfield station package of improvements to expand and upgrade the facilities at the station will help reduce traffic congestion, improve highway safety and facilitate increased use of sustainable modes of travel. The safeguarding of land identified by policy SA36 will therefore enable the council to resist any development that might prejudice the schemes delivery and support sustainable growth in Burgess Hill, supporting wider environmental, social mobility and well-being benefits.

SA37: Burgess Hill to Haywards Heath Multifunctional Network

Policy **SA37: Burgess Hill to Haywards Heath Multifunctional Network** safeguards a number of routes which have the potential to deliver a dedicated multifunctional network route between the towns Burgess Hill and Haywards Heath.

Much like policy SA36 above, the proposed delivery of the multifunctional network aligns with and is required to deliver the overall development strategy and strategic objectives of the Mid Sussex District Plan. In particular, it supports the delivery of Policy DP7 – General Principles for Strategic Development at Burgess Hill by making improvements to multifunctional paths and delivery of a multifunctional route between Burgess Hill and Haywards Heath.

Relevant extract from policy **DP 7: General Principles for Strategic Development at Burgess Hill**:

- *Provide new and/or improved and well connected sports, recreation and open space in and around Burgess Hill, including the continuation of the existing 'Green Circle' of linked areas of informal open space around the town along with its associated network of multi-functional paths, the Green Circle network, and links into the town centre;*
- *Support the delivery of a multi-functional route between Burgess Hill and Haywards Heath*

At this time, and under a separate council initiative as part of the extensive Burgess Hill Place and Connectivity Programme (<https://burgesshill.net/transport/sustainable-transport>)

feasibility work is ongoing to determine the most appropriate route to facilitate the multifunctional network). Policy SA37 seeks to provide a tool for the council to resist development which could prejudice delivery of the project in the future – to safeguard only. It is not concerned with allocating or implementing any particular scheme or setting out policy requirements for any particular scheme.

Context and justification

The Place and Connectivity Programme is part of and supports the sustainable delivery of the Burgess Hill Strategic Growth Programme, which aims to deliver housing, jobs, infrastructure and social and community facilities to the town. The Programme aims to achieve a 15% modal shift away from car use by creating safe, direct and attractive sustainable transport routes and public realm improvements to encourage walking, cycling and use of public transport.

At present, despite the edges of the built-up areas of Burgess Hill and Haywards Heath being only 2.4km apart and the town centres 5km apart, conditions for non-motorised users travelling between the two towns are poor. The Brighton mainline railway severs Burgess Hill and is a barrier to east-west connectivity. The two roads that link Burgess Hill and Haywards Heath, the A273 Isaac's Lane and the unclassified Valebridge Road and Rocky Lane, are considered to present dangerous conditions for walkers and cyclists.

The exploration of potential routes primarily focuses on Public Right of Way improvements between Burgess Hill and Haywards Heath to achieve a network of routes capable of use by walkers and cyclists and where appropriate by horse-riders that are connected including with existing and proposed infrastructure. Achieving such a link between the towns is a shared ambition of the district and town councils in their respective adopted or made development plans for Burgess Hill.

Significant investment in cycle infrastructure is planned and being implemented through the Place and Connectivity Programme in and around Burgess Hill. Currently, the most notable facility route is the Burgess Hill Green Circle Route which circulates around the southwest boundary of the town, parallel to the A273 connecting many of the town's key employment, retail and leisure facilities. The western access to this route is located adjacent to proposed allocation SA13, on the eastern side of Keymer Road and extends around the west side of Burgess Hill where it connects with Gatehouse Lane, a short distance from the employment / business park allocations focused on the A2300, The Hub (District Plan policy DP1 – high quality business park) and the Science and Technology Park (SA9). The Green Circle is in the process of being upgraded and is currently 70% complete, fully funded and due to be completed by Autumn 2021.

The council in partnership with key stakeholder groups and organisations, including WSCC as part of the Burgess Hill Growth Programme have sought undertake a strategic approach to support housing delivery in the town to support modal shift away from the private car. The approach builds on providing links to already established cycle routes through existing allocations and deliver a cohesive network or sustainable travel routes through the Place and Connectivity Programme. The programme sets out a comprehensive network of new and upgraded walking and cycle routes across the town, linking up key destinations and allocations.

The proposed multi-functional network (SA37) which builds on District Plan Policy DP7 is supported by both the Burgess Hill and Haywards Heath Neighbourhood Plan and is building on the already established cycle network expansion throughout and beyond Burgess Hill. The multi-functional network will extend this extensive network north towards Haywards Heath, providing a greenway route between the towns for cycle, pedestrian and equestrian

use, as well as providing opportunities for an increase in micro mobility. The project is a key element towards delivering a comprehensive local and strategic cycle network in the area, which is vital to support sustainable growth at Burgess Hill.

The multifunctional network will support sustainable growth in the Development Plan (including the Sites DPD) with the potential to continue to support wider sustainable growth in the surrounding area in the future. The project is also fully funded through Local Growth (grant) Funding, which provides certainty on its delivery; policy SA37 seeks to ensure the council has the ability to resist any development which may prejudice the scheme coming forward. As set out in the council's Matter 6 Statement (paragraphs 6.6 and 6.7) the council is no longer pursuing the Eastern Route and potential modifications have been recommended to remove this element from the Policy Map. In addition, the council would not wish to safeguard alternative routes indefinitely once the Place and Connectivity Programme has been implemented and the implementation of this policy can be reviewed as part of the District Plan Review to ensure land is not safeguarded unnecessarily over the longer term.

SA38: Air Quality

Policy **SA38: Air Quality** will replace the part of District Plan Policy **DP29: Noise, Air and Light Pollution** relating to air pollution. This is explained in the supporting text to Policy SA38.

Justification

District Plan Policy **DP4: Housing** sets out the district's housing requirement. This was set at an average of 876 dwellings per annum until 2023/24, with a step up to 1,090 dpa from 2024/25 onwards. This is a total step-up of 1,498 dwellings, equivalent to the contribution towards meeting Crawley's unmet housing need and approximately equivalent to the residual housing requirement to be found in the Sites DPD at time of submission.

Importantly, and as set out in the supporting text to DP4 and the policy wording itself, the step in trajectory was subject to there being “no further harm to the integrity of European Habitat Sites in Ashdown Forest” particularly in relation to the Ashdown Forest SAC and impact of transport on air quality. The Sites DPD Habitats Regulations Assessment sets out the evidence in this respect. It is the Council's view that SA38: Air Quality is required in order to provide a policy framework to support the provision of mitigation should development have an adverse effect on Ashdown Forest and to ensure development proposals, including those within the DPD, don't cause “further harm” as set out in DP4.

Context

New guidance has been prepared and the policy provides support for this guidance. The policy provides more detail as to how development proposals should consider any potential impact on air quality. This is particularly important given the growth proposals within the Sites DPD and the “subject to” requirements of the stepped housing trajectory set out in DP4 as described above.

Policy SA38 is relevant for all development (not just the proposed site allocations) as any air quality impacts should be considered, but it also focuses on specific situations, namely, development proposed close to Air Quality Management Areas (AQMAs) and new development likely to impact on the Ashdown Forest SPA and SAC.

Ashdown Forest SAC

District Plan Policy **DP17: Ashdown Forest SPA and SAC** does not specifically refer to potential air quality impacts; rather it sets out an avoidance and mitigation strategy to reduce the impact of recreational disturbance on the Ashdown Forest SPA. This is because the Habitats Regulations Assessment (HRA) for the District Plan concluded that adverse effects on the Ashdown Forest SAC were unlikely and no further measures were necessary. Whilst a conclusion of no adverse effects on site integrity of the Ashdown Forest SAC in relation to traffic emissions derived from growth proposed within the Sites DPD is made in the HRA for the Sites DPD [see paragraph 4.85 of HRA1], it is considered that development proposals will still need to consider any potential impacts, including in combination with other development. This is particularly important in relation to the “subject to” nature of the stepped housing trajectory set out in DP4.

As such, to provide additional policy support for HRAs of development proposals and in advance of the review of the District Plan, wording has been added to Policy SA38. Policy SA38 provides the policy support for circumstances where proposed development does have a likely significant effect and needs to put in place adequate measures to avoid or

mitigate any potential adverse effects. This will be considered through a HRA for proposed development at the planning application stage taking into account the conclusions of the HRA for the Sites DPD [HRA1] and the accompanying technical evidence base.

Potential further air quality work

The Council has commenced work on reviewing the District Plan. The scope of this work includes a review of air quality impacts and further technical work will be undertaken as part of the evidence base. This is the appropriate stage of plan-making to consider if, for example, particulates should be included further in local air quality assessments, whether amended standards should be proposed and any new strategic policy for air quality.