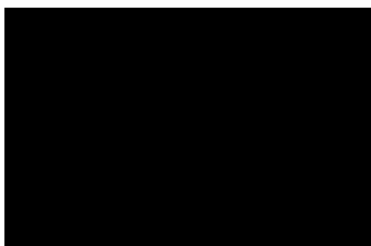


**Inspector Mike Fox BA(Hons) DipTP MRTPI**  
c/o Programme Officer – Ms Charlotte Glancy



5<sup>th</sup> November 2021

Dear Sir

**Sites: Sites SA12 & SA13**

**Proposal: Mid Sussex District Council Site Allocations DPD Examination (25 Oct 2021)**

**Document: MSDC 20 (Action Point AP21)**

### **Introduction and Summary**

We are instructed by **Burgess Hill Town Council and South of Folders Lane Action Group (SOFLAG)** to make the following response to the publication of the Council's final Action Point - AP21, following Hearing Sessions held in June 2021.

We remain of the view that land south of Folders Lane, Burgess Hill for 40 dwellings (Policy SA12) and land east of Keymer Road and South of Folders Lane, Burgess Hill for 300 dwellings

(Policy SA13), are not suitable as residential allocations, and as such, should remain within the countryside.

We also highlight that at the recent Conservative Party Conference held in Manchester (3<sup>rd</sup> - 6<sup>th</sup> October 2021), it was made clear by the Government that unnecessary and harmful greenfield development should NOT be supported.

These representations specifically relate to matters within the Mid Sussex DC document –

***MSDC – 20** – Statement of Common Ground in relation to SA12: Land south of 96 Folders Lane and SA 13: Land south of Folders Lane and East of Keymer Road – Relationship with the South Downs National Park.*

These representations also focus on:

1. We align ourselves with the South Downs National Park Authority on SA13 and maintain that SA12 would also be unacceptably harmful in landscape terms to the setting of the National Park.
2. The importance and protection of land within the setting of National Parks has only increased (not decreased) since the revised NPPF was published (revised July 2021) and significant weight should be attached to this in the context of this Site Allocations DPD process.
3. This 'level of harm' is unnecessary to make the DPD 'sound', considering the Local Plan housing need plus a surplus can be met without recourse to SA12 or SA13.

These representations should also be read alongside **Appendix 1 – A Landscape and Visual Technical Note**, prepared by Simon Neesam, a fully qualified Chartered Member of the Landscape Institute since 1994 and a Technical Director of *The Landscape Partnership*.

## Site Allocations DPD – MSDC -20

Our comments on the document published are set out below and cross referenced with the Council's paragraphs for ease of reference:

1.3 – Although it is noted that the Statement of Common Ground sets out that the 'focus' has been on SA13, the Action Point (AP21) relates to both SA12 and SA13. The document sets out that the Promoter of SA12 has been excluded from this process which is a basic failing of the Local Planning Authority to include the promoters of BOTH sites in this on-going consultation.

2.2 – The South Downs National Park Authority (SDNPA) have had long standing concerns about SA12 **AND** SA13 in the context of their impact on the setting of the National Park (NP). We consider that both SA12 & 13 are part of a larger landscape the character of which is shared with parts of the SDNP. We consider that both SA12 and SA13 contribute positively to the setting of the NP and in the case of SA12 this is most easily experienced when walking along the public footpath adjacent to SA12 towards the Ridgeview Wine Estate.

2.3 – We consider that neither SA12 nor SA13 are sites that are currently needed to accommodate new housing development at this time to make the DPD 'sound'. The LPA acknowledged that they had landscape concerns regarding the promoters' evidence presented at the hearings. This is a clear admission that the proposed allocation of SA12 & 13 has not been based on robust landscape assessments.

2.4 – We are pleased that common agreement exists between all parties that the NPPF is explicitly clear (Paragraph 176) in stating that ***“The scale and extent of development within all these designated areas should be limited, while development in their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”***.

2.5 – Considering that no immediate housing need exists to allocate these sites in this DPD it is not a sound proposition to allocate either site in the context of Section 62 of the Environment Act 1995.

Its first purpose is to *“conserve and enhance the natural beauty, wildlife and cultural heritage of the area”*.

New housing of circa 340 houses across two greenfield sites near each other within the setting of a National Park cannot by way of mitigation enhance the **natural beauty** and cultural heritage of the area. The sites are component parts of a wider long-established area of open countryside and farmland. Its essential characteristic is that of openness (i.e., devoid of man-made built development) and it forms a critical permanent buffer between the southern edge of Burgess Hill and the interface it shares with its near neighbour – The South Downs National Park.

3.1 – We are disappointed that the document sets out that the purpose of the Statement of Common Ground is solely related to SA13 when the document title and AP21 is clearly related to SA12 and SA13. However, as we have highlighted the LPA have taken a decision not to include the promoters of SA12 for unknown reasons (cross reference with Paragraph 1.3).

3.2 – The plan highlights distances from the edges of SA12 and SA13 to the NP, clearly demonstrating just how close and critical the existing buffer between Burgess Hill and the setting of the NP is. Allocation of greenfield sites SA12 and SA13 would deplete this buffer so significantly that the setting of the NP would effectively be lost permanently. New development off Stroudley Drive and Hoadley Avenue for 73 new homes (currently under construction after consent was obtained in appeal in 2017) was based upon a housing need at that time ( lack of 5 year supply) across the wider District, and out of date Local Plan Policies which this DPD seeks to address. It should be noted that the appeal was allowed PRIOR to the adoption of the Mid Sussex District Plan (2014 to 2031) on the 28<sup>th</sup> of March 2018. There is no need currently to allocate SA12 or SA13. The distance of 185m from the edge of the NP to SA12 must not be read as ‘leaving a distance’ of 185m from new housing to the NP. The new

housing off Stroudley Drive and Hoadley Avenue has already at that point effectively removed any buffer between the edge of Burgess Hill and the SDNP. Allocation of SA12 and SA13 would effectively compound this encroachment into the setting of the SDNP. It is the cumulative impact of new allocations on the south side of Burgess Hill which would have a significant negative impact on the setting and tranquillity that the buffer currently affords residents between their homes and the SDNP.

4.4 – The points above have been reaffirmed by the SDNP. **They have set out consistently that setting, tranquillity, dark nights skies are important (i.e., not just views).** For SA12 and SA13 they set out concerns at Reg18 that “...it would erode the buffer between Burgess Hill and SDNP”. For SA13 they set out that the “...site is highly sensitive to change, high ecological value, southern part of the site is likely to be most sensitive”.

4.5 – The amendments to Reg 18 Draft Wording Policy by the LPA clearly sets out the setting of the SDNP is important and it acknowledges that dark night skies in these areas will be lost as lighting mitigation will be needed.

4.6 – MSDC 20 identifies that the proposed changes to wording only went ‘some way’ to addressing matters raised at the Reg18 stage to site SA12. In relation to SA13 it was clear that (a) it would still erode the buffer, (b) that it was a sensitive site and (c) queries remained about a capacity level of 300 dwellings.

4.7 – We disagree with the LPA that the comments of the SDNP were ‘positive’. We consider that the SDNP said that matters were ‘unclear on yield’. The LPA have taken this to mean ‘no objection’. We disagree with this interpretation taking into account events pre and post the Reg19 stage.

4.8 – We question how the 300-dwelling unit number proposal has been arrived at in the context of this number of dwellings being based upon landscape sensitivities. We are unclear if the 300-dwelling number is based on 300 2bed units or 300 4bed units. Site areas can dramatically alter to accommodate homes based upon the size of units – 750/800 sq. ft terrace

houses compared to 4 bed homes of 2,500 sq. ft with larger garden areas have not been quantified or justified in the promotion of the site.

4.9 – Clearly the site has a physical capacity to accommodate 300 dwellings in areas terms alone. However, there is no need to allocate SA13 and the impact on the SDNP would be permanent and irreversible. In fact, to do so would be in clear conflict with limiting the amount of new development within the setting of National Parks as per the NPPF (Paragraph 176). 300 new homes is not a small scale new housing development.

4.12 – At the Reg19 Stage we see that the SDNPA had clear outstanding concerns about matters that had not been sufficiently addressed. We consider that it remains clear that matters which remain inadequately addressed relate to the erosion of the rural buffer and the setting of the NP. The concept of open space in the centre of SA13 appeared and still appears as an overly standard suburban layout which has no direct relationship or understanding of ‘the place’ – i.e., its unique setting to the NP.

4.17 to 4.20 – It would not be sound to allocate highly landscape sensitive greenfield sites SA12 and SA13 at this time. Other ‘omission sites’ can be reviewed at this time, but we consider that to expediently move the DPD process forward to adoption, sites SA12 and SA13 simply require removal. The DPD could be found sound with their removal.

5.8 – The paragraph sets out that CSA consider the methodology which informs the LVA follows guidance set out in GVLIA 3 and has been found to be robust at numerous Planning Inquiries. We question if this relates to Inquiries that have taken place recently – i.e., post publication of the NPPF in July 2021 and if the cases related to sites within the setting of a National Park.

5.16 – It is a failing of the proposed allocation of sites SA12 and SA13 that the LUC Report was not originally submitted to the examination.

5.18 – Although the promoters’ position is that in relation to SA13 the plan shows that development would occupy broadly 50% of the site, with the remainder retained landscape features and open space, it is unclear if the landscape features and open space would be ‘natural landscapes or manufactured’. We consider the natural setting to the SDNP as being significant and important – lawns and play areas outside of gardens still introduce an element of domestic paraphernalia into the landscape which is more akin to domestic curtilage. Such ‘open space’ would do little to preserve the undisturbed setting to the NP from the built-up edge of Burgess Hill.

5.19 / Point 3 – We support the view of the SDNP that ***“The LVA is missing significant evidence, most notably it fails to determine the setting of the National Park. It relies heavily upon the site being hidden from views and it uses this as a justification for the number of dwellings proposed”***.

5.19 / Point 4 – We highlight and support the view that ***“...the LVA fails to demonstrate new landscape evidence, which puts the LUC findings into doubt...we consider it is not possible on this site to deliver 300 dwellings whilst meeting the NPPF...”***

5.20 - We support the view of the SDNP that the LVA assessment accompanying SA13 is missing significant information.

5.22 - We support the opinion of the SDNP when they state, *“The site is within the setting of the SDNP, and the sites landscape patterns of elements and features contribute positively to the character and function in the setting”*.

6.15 – The SDNP state that the setting of the SDNP has not been considered in the context of an ‘opportunities and constraints plan’. They state –

***“Fundamentally, the setting of the National Park, a key sensitivity, is missing.”***

6.16 – Furthermore that –

***“...the SDNPA’s concern is that these sensitivities are not changing for the site, nor its potential design. Therefore, this does not sufficiently contribute to addressing the requirement of the NPPF paragraph 176 that development within the setting of the National Park should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”.***

We consider that the setting of the SDNP in relation to both SA12 and 13 was originally missed at the Reg 18 stage and since that time the position of the LPA and Promoters has been one of seeking to ‘retro-fit’ the proposed allocations against a backdrop of housing need which at this time is not needed for this DPD to be found ‘sound’.

8.1 & 8.2 – We support the view of the SDNPA that matters remain unresolved relating to SA13.



## Conclusions

In conclusion, we repeat what we set out in our introduction that:

- We align ourselves with the South Downs National Park Authority on SA13 and maintain that SA12 would also be unacceptably harmful in landscape terms to the setting of the National Park.
- The importance and protection of land within the setting of National Parks has only increased (not decreased) since the revised NPPF was published (revised July 2021) and significant weight should be attached to this in the context of this Site Allocations DPD process.
- This 'level of harm' is unnecessary to make the DPD 'sound', considering the Local Plan housing need plus a surplus can be met without recourse to SA12 or SA13.

Our representations and *Landscape and Visual Technical Note (Appendix 1)* by, *The Landscape Partnership* seek to support the view that neither site should be allocated at this time and the existing southern boundary to Burgess Hill should be fixed by removing SA12 and SA13 to afford protection to the setting of the SDNP which the NPPF fully supports.

Allocation of SA12 will compound the loss of the existing buffer in the context of new housing at the adjacent site off Folders Lane, Stroudley Drive and Hoadley Avenue. SA12 is a critical site adjacent to a well-used public footpath on the edge of Burgess Hill and leads into the defined setting of the National Park. To allocate SA12 will erode the buffer even further to point that no buffer of any physical size or meaning will exist.

In the context of SA13 the buffer in the context of the promoters work to date would be rows of homes and residential gardens. It is incomprehensible to say that this would act as a strong

buffer which would protect the setting of the SDNP which abuts the south side of Wellhouse Lane.

Our representations are fully supported by the *Landscape and Visual Technical Note*, and we highlight below from that report the following (points 44 and 45):

- *As the sites are located within the tract of land between the SDNP and the settlement edge of Burgess Hill, they can be considered to form part of the buffer that safeguards the setting of the of the National Park. Further, the sites display many of the key characteristics that are typical of the SDNP, they contribute to the land that “forms a gradual transition [from the National Park] to the landscape of the Low Weald” and are subject to the identified sensitivities.*
- *Since development of the two sites would result in a wholesale adverse impact to landscape character within the buffer, and a loss of typical features, it follows that allocation of SA12 and SA13 would result in direct adverse effects on the setting of the South Downs National Park, and therefore be contrary to the aims of para 176 of the NPPF, which requires that development within the setting of National Parks be sensitively located and designed to avoid or minimise adverse impacts.*

We trust that the comments submitted will be duly considered in the context of Local Plans needing to be consistent with National Policy and the need to protect special landscapes and their settings.

We look forward to receiving further correspondence from the LPA and appointed Planning Inspector, Mike Fox.

Yours faithfully

*Nick Grace*

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**Partner at GraceMachin Planning & Property**

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