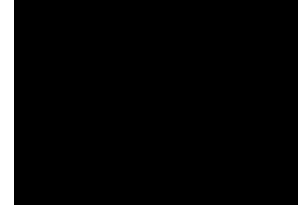


FAO Charlotte Glancey



5 November 2021

Dear Charlotte,

**Mid Sussex Site Allocations Development Plan Document Examination
Statement of Common Ground in relation to SA12: Land south of 96 Folders Lane and SA13:
Land south of Folders Lane and East of Keymer Road - Relationship with the South Downs
National Park
Andrew Black Consulting on behalf of Vanderbilt Homes**

I write in response to the invitation of comments from participants in the hearing session to the Post Hearing Action Points. This letter sets out the position of Vanderbilt Homes in relation to AP21 concerning proposed allocation SA12 (Land south of 96 Folders Lane) and SA13 (Land south of Folders Lane and East of Keymer Road) with specific reference to relationship with the South Downs National Park.

Concerns were raised about the deliverability of these sites in the run up to the examination as part of our previous representations in regulation 19 responses and in matters statements.

In general the revised Statement of Common Ground (SOCG) sets out an accurate reflection of work undertaken to date and highlights the discrepancy between the parties on the validity of the evidence base used to assess the capacity of the sites for housing. Particular focus is given to site SA12 which is the significantly larger of the two allocations.

Of significant relevance is the wording of paragraph 176 of the framework which requires 'great weight' to be provided to both the conservation and enhancement of landscaping and scenic beauty in National Parks in addition to the conservation and enhancement of wildlife and cultural heritage. Paragraph 176 states that development within the setting of national parks should be *sensitively located and designed to avoid or minimise impacts on the designated areas*. It is not considered that approach to the allocation of these sites was done so in conformity with these requirements in the first place and the further lack of common ground between the parties demonstrates further discrepancy in the approach taken.

The SOCG demonstrates an element of agreement between the parties on the setting and characteristics of the site. Nevertheless, the the SOCG reveals that there is substantial difference between SDNPA and MSDC with regard to the capacity of the site for development. The key area of contention stems from the use of the 'Review of Landscape and Visual Aspects

of Site Suitability' by Land Use Consultants (the LUC Report) which was undertaken in 2015 in advance of the District Plan examination. It is noted that this report was undertaken in relation to the District Plan examination

Paragraph 68 of the NPPF sets out the requirement of local authorities to identify a sufficient supply of sites taking into account their availability. Requirement a of paragraph 68 requires such sites to be *deliverable* in order to be considered within the first five years of the plan period.

The glossary of the NPPF sets out the definition of *deliverable* as follows:

To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) *Site which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long terms phasing plans)*
- b) *Where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principles, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will be on site within five years.*

It is noted that the council has moved the dwellings out of the initial five year supply of the development plan to indicate delivery in the 6-10-year period. This is presumably due to the concerns over the access arrangements to the site. Part b of paragraph 68 requires sites to be *developable* in order to be considered in years 6-10 or 11-15.

The glossary of the NPPF goes onto set out the definition of *developable* as follows:

*To be considered developable, sites should be in a suitable location for housing development **with a reasonable prospect that they will be available and could be viably developed at the point envisaged.***

The information provided within the SOCG provides no evidence that there is a realistic prospect that the site will be available or could be developed viably. There is no reasonable likelihood that the shareholders of the management company will vote in favour of granting access. There is also no realistic prospect of an access becoming available from Woodlands Close in order for the alternative access to be provided.

On this basis alone it is considered that the site must be removed from the list of allocated sites within the DPD and the housing land supply adjusted accordingly.

Yours Sincerely


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Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Our Ref: SDNP/19/03508/ADJAUT
Contact Officer: [REDACTED]
Tel. No.: [REDACTED]

5th August 2019

Dear Sir/Madam,

Neighbouring Authority Consultation

Proposal: Adjacent Authority Consultation - DM/19/0276 - Proposed erection of 43 dwellings and associated works. Amended plans and Transport Statement received 12th and 15th July 2019.

Address: Land rear of 96 Folders Lane , Burgess Hill , West Sussex

Thank you for your correspondence received 17 July 2019, consulting us as a neighbouring authority on the above noted development proposals.

The National Park's comments on the development are as follows:

'The Environment Act 1995 sets out the two statutory purposes for National Parks in England and Wales:

Conserve and enhance the natural beauty, wildlife and cultural heritage

Promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the Public

which relevant authorities (which includes local authorities) must have regard to in exercising their functions.

National Parks Authorities have the duty to:

'Seek to foster the economic and social well being of local communities within the National Parks' in pursuit of the twin purposes above.

Following is the formal consultation response of the South Downs National Park Authority (SDNPA) on the above application.

The site for the proposed development for 43 units and associated infrastructure works would be approximately 350-400 metres from the southern and eastern boundaries of the South Downs National Park.

Notwithstanding the allowed appeal for 73 dwellings and associated infrastructure under reference 14/04492/FUL by Inquiry held on 14 and 15 March 2017, on land adjacent and to the west of this site and currently under construction, the proposed development under DM/19/0276 would extend well beyond the existing residential boundary of Folders Lane in Burgess Hill. The further expansion of residential development in this locality on open rural land outside the settlement boundary together with its associated infrastructure, would significantly reduce the landscape buffer up to the boundary of the National Park. In turn, such development is likely to detrimentally exacerbate the further urbanisation of this predominantly rural location, which is likely to be harmful to the special qualities and landscape character of the setting of the South Downs National Park.

It is further considered that even with the combination of existing trees and planting, together with the proposed new landscaping would not mitigate for the loss and erosion of this valuable landscape buffer as an essential and effective soft-scape transition from the urban form to open rural countryside, in particular the South Downs National Park. Therefore, the proposed development would result in substantial urban built form impact, extending out from the built up area of Burgess Hill, on a valuable and essential open green countryside location, in an incongruous and unnatural way, on the fringe of the wider countryside setting, harmful to the setting of the South Downs National Park.

Furthermore, the proposed housing development would bring with it the resultant and associated traffic movements that would not complement the tranquillity of the nearby National Park. In particular, the South Downs National Park Authority raise concerns about the potential for increased traffic in and through the village of Ditchling, and other parts of the National Park, that are likely to be generated from the proposed development, including its contribution to the cumulative increase in traffic movements and the subsequent detrimental impact this could have on the peace and tranquillity on both the setting of and within the South Downs National Park. For the reasons given, the South Downs National Park Authority have serious concerns about the proposed development in this location.

In addition, internal and external infrastructure lighting required in connection with this proposal, including domestic lighting from windows of the proposed dwellings, have the potential to have significant effects on the dark skies of the National Park. In May 2016 the South Downs National Park became the world's newest International Dark Sky Reserve (IDSR). Therefore the development should include a full appraisal of both internal and external lighting to consider what impact it may have on the dark skies of the nearby National Park and if it is appropriate, if/how it can be mitigated to meet the lighting standards of the Institute of Lighting Professionals (ILP) for this zone.

As the landscape, with its special qualities, is the main element of the nearby South Downs National Park and its setting, attention is drawn to the South Downs Integrated Landscape Character Assessment (Updated 2011) as a key document as part of the overall assessment of the impact of the development proposal, both individually and cumulatively, on the landscape character of the setting of the South Downs National Park; this document can be found at:
<http://www.southdowns.gov.uk/about-us/integrated-landscape-character-assessment>

Taking into account the above in the determination of this application, the SDNPA would also draw attention of Mid Sussex District Council, as a relevant authority, to the Duty of Regard, as set out in the DEFRA guidance note at:
<http://archive.defra.gov.uk/rural/documents/protected/npaonb-duties-guide.pdf>

It may also be helpful to consider the development proposals in the context of National Park Circular 2010 for guidance on these issues
at:https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/221086/pb13387-vision-circular2010.pdf

The SDNPA trust that the above comments are helpful to Mid Sussex District Council in the appraisal and determination of this planning application, in consideration of the setting and special qualities of the South Downs National Park.

Yours faithfully



TIM SLANEY
Director of Planning
South Downs National Park Authority

Contact Officer



