

Main Modification 3 - Index by ID Number

ID	ResponseRef	Name	Organisation	On Behalf Of
600	600/1/MM3	Ian Cumberworth	Hassocks Parish Council	
657	657/1/MM3	Jonathan Buckwell	DHA planning	Option Two Development
666	666/1/MM3	Julie Holden	East Grinstead Town Council	
667	667/1/MM3	Megan Hughes	Burgess Hill Town Council	
1085	1085/1/MM3	Ian Howard		
1085	1085/2/MM3	Ian Howard		
1723	1723/1/MM3	Joan Roberts		
2001	2001/1/MM3	Peter Tooher	Nexus	Frontier
2092	2092/1/MM3	Tim Burden	Turley	Rainier Developments Ltd
2547	2547/1/MM3	Simon Turpin	Medireal Real Estate Solutions	

600

Site Allocations DPD: Main Modifications Response

Main Modification: MM3

ID: 600
Response Ref: 600/1/MM3
Respondent: Ian Cumberworth
Organisation: Hassocks Parish Council
On Behalf Of:

[REDACTED]

From: Hassocks PC Clerk <Clerk@hassocks-pc.gov.uk>
Sent: 17 January 2022 16:24
To: Policy Consultation
Subject: Main Modifications-sites -DPD main modifications Consultation - (site DPD)Policy MM3
Attachments: MSDC Representation re Policy MM3rev.pdf

You don't often get email from clerk@hassocks-pc.gov.uk. [Learn why this is important](#)

Dear Sir/Madam,

Please find attached a representation on behalf of Hassocks Parish Council in respect of Policy MM3.

Kind regards

Ian Cumberworth
Parish Clerk

[REDACTED]

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Hassocks Parish Council

MSDC Representation re Policy MM3

Hassocks Parish Council have concerns over some of the proposals set out in relation to the 'new policy' MM3 to address the need for specialist accommodation for older people and care homes. The Parish Council does not have any evidence to question the need for these facilities but does have concerns that when these facilities are being considered that they are only built on suitable sites and locations.

- Members expressed concerns over the proposed element **d) Where the site is outside the Built-Up Area, it is contiguous with the Built-Up Area Boundary as defined on the Policies Map and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy (policy DP4).**
 - Concerns were raised that those developments that are contiguous with the Built-Up area would result in a further erosion of the Local Gaps and increased risk of coalescence between neighbouring settlements.

- Additionally, regardless of whether the site is inside or outside the Built-Up area
 - Any development of this type should only be considered where the site is of a sufficient size to accommodate the scale of the development and ensuring that there is appropriate green infrastructure around the site and provision of appropriate living standards and space.
 - The policy should also ensure that sufficient steps are taken to mitigate the impact of this type /scale of development type on neighbouring properties.

657

Site Allocations DPD: Main Modifications Response

Main Modification: MM3

ID: 657

Response Ref: 657/1/MM3

Respondent: Jonathan Buckwell

Organisation: DHA planning

On Behalf Of: Option Two Development

From: Jonathan Buckwell [REDACTED]
Sent: 20 January 2022 12:11
To: Policy Consultation
Subject: Main Mods Consultation Response
Attachments: Main Mods Form.docx

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Dear Sir/Madam

Please find attached a consultation response to the Main Modifications for the Site Allocations Plan DPD on behalf of Option Two Development Ltd. I would be grateful if you could confirm receipt.

Kind regards

Jonathan Buckwell
Director (Planning)



planning transport design environment infrastructure land

www.dhaplanning.co.uk



DHA Planning Ltd. Registered in England. Registration No. 2683290

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Site Allocations Development Plan Document Main Modifications Consultation Form

At the Inspector's request the District Council is inviting comments (also known as representations) on the proposed Main Modifications (MM) to the Submission Draft Site Allocations Development Plan Document, which supports the strategic framework for development in Mid Sussex until 2031.

What can I make comments on?

The consultation is only about the proposed Main Modifications (and no other aspect of the plan), Sustainability Appraisal addendum and Habitats Regulations assessment addendum and are put forward without prejudice to the Inspector's final conclusions. All representations made will be taken into account by the Inspector. The Main Modifications, and a track-change version of the Sites DPD can be found at:

www.midsussex.gov.uk/SitesDPD

N.B. this consultation is not an opportunity to raise matters which either were, or could have been included in earlier representations, or at the examination hearings; representations should not be repeating what has previously been submitted to the Inspector.

Please return to Mid Sussex District Council by 23:59 on 24th January 2022

How can I respond to this consultation?

Online: A secure e-form is available online at:

www.midsussex.gov.uk/SitesDPD

The online form has been prepared following the guidelines and standard model form provided by the Planning Inspectorate. To enable the consultation responses to be processed efficiently, it would be helpful to submit a response using the online form, however, it is not necessary to do so.

Consultation responses can also be submitted by:

Post: Mid Sussex District Council
Planning Policy
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

E-mail: PolicyConsultation@midsussex.gov.uk

A guidance note accompanies this form and can be used to help fill this form in.

Part A – Your Details (You only need to complete this once)

1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Jonathan"/>
Last Name	<input type="text" value="Buckwell"/>
Job Title (where relevant)	<input type="text" value="Director"/>
Organisation (where relevant)	<input type="text" value="DHA Planning"/>
Respondent Ref. No. (if known)	<input type="text" value="REP/657"/>
On behalf of (where relevant)	<input type="text" value="Option Two Development Ltd"/>
Address Line 1	<input type="text" value="██████████"/>
Line 2	<input type="text" value="██████████"/>
Line 3	<input type="text" value="██████"/>
Line 4	<input type="text" value="██████████"/>
Post Code	<input type="text" value="██████"/>
Telephone Number	<input type="text" value="██████████"/>
E-mail Address	<input type="text" value="██"/>



The information gathered from this form will only be used for the purposes described and any personal details given will not be used for any other purpose.

Part B – Your Comments

You can find an explanation of the terms used in the guidance note. Please fill this part of the form out for each representation you make.

Name or Organisation:

3a. Does your comment relate to:

Main
Modification

Sustainability
Appraisal
Addendum

HRA
Addendum

3b. Which Main Modification does your comment relate to?

4. Do you consider the Main Modifications to the Submission Draft of the Site Allocations DPD make it (pleas tick as appropriate):

4a. Legally Compliant

Yes

No

4b. Sound

Yes

No

5a. If you wish to support the legal compliance or soundness of the Main Modifications to the Site Allocations DPD, please use this box to set out your comments. If you selected 'No' to either part of question 4 please also complete question 5b.

5b. Please give details of why you consider the Main Modifications to the Site Allocations DPD not to be legally compliant or unsound. Please be as precise as possible.

Whilst we fully SUPPORT the introduction of Policy SA39, and had requested such a policy, the current wording unnecessarily precludes good, sustainable sites from coming forward to meet the District's specialist accommodation needs and is unsound in that respect.

As has been clearly established through the Examination and at other appeals, there is a pressing need for additional specialist accommodation for older people in Mid Sussex. Given the extent of the need, it is essential that appropriate sites within these areas are not precluded from coming forward to help meet the need, simply because they are not contiguous with the built-up area boundary.

There are significant areas of Mid Sussex which are clearly built-up in nature, accessible by non-car travel modes and are sustainable locations for this form of development, but which are not located within or immediately adjacent to the Built Up Area Boundary. Indeed, to take the example of Copthorne, there is very little potential for such development within and immediately adjacent to the BUAB due to other constraints. Taking a broader view and allowing sustainable sites which are well related to existing development would increase the potential for provision.

// Continued overleaf

// 5b Continued

In our submission to Action Point AP18, we stated that the criteria for suitable sites should include sites which are well-related to existing development, with appropriate access to, or provision of, services and facilities either on or off site. By contrast, the proposed wording in MM3 restricts sites outside the Built-Up Area to be contiguous with the Built Up Area Boundary as defined on the Policies Map.

Whilst it is at an extremely early stage and, at the time of writing, has not yet been approved for consultation, we note that the equivalent policy in the emerging draft Policy DPH30 in the 2022 Reg.18 consultation draft District Plan 2021-2038 does provide the greater flexibility that we say is needed here to make the plan sound. Criterion vi of that draft policy supports new older persons' housing on sites which are outside the Built-Up Area Boundary where the scale of the development respects the setting, form and character of the settlement and surrounding landscape. The same form of wording would overcome our objection here.

6. Please set out what modification(s) you consider necessary to make the Submission Draft of the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.

You will need to say why this change will make the Plan legally compliant or sound. It will be helpful, if you are able, to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The second part of the policy should be amended to allow greater flexibility and therefore increase the supply of specialist older person's accommodation so that the identified needs can be met.

Our preferred wording would be along the lines we proposed in our response to AP18, i.e. to read as follows (amended section in bold):

Proposals for specialist accommodation for older people and care homes will be supported where:

- a) It is allocated for such use within the District Plan, Site Allocations DPD or Neighbourhood Plan; or
- b) It forms part of a strategic allocation; or
- c) It is located within the Built-Up Area Boundary as defined on the Policies Map; or
- d) Where the site is outside the Built-Up Area, **the site is well related to existing development, with appropriate access to, or provision of, services and facilities either on or off site, to meet the needs of residents/staff and which contribute to the wider economy; and the proposal seeks to reduce the reliance on the private car, having regard to the use proposed.**

Whilst the above is our preferred wording, we would also accept wording similar to that used in emerging Policy DPH30 of the draft District Plan 2021-2038:

Proposals for specialist accommodation for older people and care homes will be supported where:

- a) It is allocated for such use within the District Plan, Site Allocations DPD or Neighbourhood Plan; or
- b) It forms part of a strategic allocation; or
- c) It is located within the Built-Up Area Boundary as defined on the Policies Map; or
- d) Where the site is outside the Built-Up Area, **the scale of the development respects the setting, form and character of the settlement and surrounding landscape.**

Either form of wording above would make the plan sound by enabling sites to come forward to meet the identified pressing need.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at later stages.

7. Please notify me when:

(i) The Inspector's Report is published

(ii) The Site Allocations DPD is adopted

Signature:

Date:

Thank you for taking time to respond to this consultation

666

Site Allocations DPD: Main Modifications Response

Main Modification: MM3

ID: 666
Response Ref: 666/1/MM3
Respondent: Julie Holden
Organisation: East Grinstead Town Council
On Behalf Of:

From: Julie Holden [REDACTED]
Sent: 14 January 2022 12:07
To: Policy Consultation
Subject: consultaion response to examiners main modifications
Attachments: EGTC_Letter_Head consultation MM MSDC SA DPD Jan 2022.pdf

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Dear Sirs

Please see attached the response from East Grinstead Town Council.

With best wishes

[REDACTED]



Julie Holden (Mrs)
Town Clerk
East Grinstead Town Council

[REDACTED]



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EAST GRINSTEAD TOWN COUNCIL

Council Offices, East Court, College Lane, East Grinstead, West Sussex, RH19 3LT

Web site: www.eastgrinstead.gov.uk E mail: townclerk@eastgrinstead.gov.uk

Town Clerk: Mrs J W Holden EDMS, IRRV (Hons), Cert HE Comm Gov, PSLCC



INVESTOR IN PEOPLE

Your Ref:

My Ref:

When calling please ask for: Mrs J Holden

14th January 2022

By email to: policyconsultation@midsussex.gov.uk

Dear Sirs

The East Grinstead Town Council wishes to comment on the Main Modifications of the Examiner as published by Mid Sussex District Council in November 2021.

The Council is disappointed to see that many of the points raised in our submissions of 19th November 2019 and 24th September 2020 have not been included by the Examiner. We have grave concerns that the points supported by the local residents as to the provision of road and community infrastructure have not been included in the plan. We do not believe that the plan goes anywhere near far enough to guarantee that investment will be forthcoming from developer contributions to maintain a safe and sustainable community. As the examiner has in effect disregarded previous professional assessments such as road traffic surveys, an understanding as to why this is the case would be expected.

The road systems in and around East Grinstead were acknowledged to be over capacity over 10 years ago, yet many years of piecemeal and continued non planned development contributing numbers far in excess of the original models are now being referred to as not at capacity and further development will not result in severe affects to key junctions. This position is simply unfathomable by this Council and the residents of the town. For all future development It is vital that developer contributions are allocated to approved road improvements and plans and not vague promises of infrastructure which sound good but may never come forward; such as dedicated bus lanes on impractical routes.

To the Specific modifications we would reply as follows;

MM2 / SA20 / MM3– We have concerns as to the requirement for elderly persons accommodation fronting on to the busy and getting busier Imberhorne Lane. As the justification for this must be the availability of access to local services, we do not agree that this will satisfy this as the nearest corner shop is on Heathcote Drive an estimated uphill walk of 20 minutes. The developments should be required to provide an appropriate facility. There are likewise no other community facilities in the area other than a recreation / play area and the school. This requirement in MM2 will be at odds with the requirement of MM3 as it simply will not be satisfied.

MM12 - We do not support this. The policy and amendment will provide for continuation and furtherance of the existing permitted development rules currently in place. The permitted development practices of turning offices in to residential accommodation has had a severe effect on East Grinstead in the past ten years, to the point that the District Council has acknowledged that this has caused concern as to the remaining levels of business premises. East Grinstead town centre cannot absorb the continued loss of business premises which SA34 as amended will support. The amendment does not go far enough as the conditions can be easily satisfied by developers and will simply result in yet further loss of the limited business premises that is left, turning East Grinstead in to a dormitory town with limited sustainable employment offers.

We are supportive of MM13, MM15 and MM22 regarding the biodiversity requirements.

We hope that these comments are helpful, we cannot stress enough to the Examiner that the challenges faced by East Grinstead lead the Town Council and residents to press our concerns to ensure that the District plans and policies spell out and deliver the best deal on infrastructure to accompany development. To ensure the towns retain their sense of community, improving the town for the existing and the new residents.

Yours sincerely

Julie Holden
Town Clerk
East Grinstead Town Council

667

Site Allocations DPD: Main Modifications Response

Main Modification: MM3

ID: 667
Response Ref: 667/1/MM3
Respondent: Megan Hughes
Organisation: Burgess Hill Town Council
On Behalf Of:

From: Megan Hughes [REDACTED]
Sent: 22 December 2021 14:41
To: Policy Consultation
Subject: SITE ALLOCATIONS DPD UPDATE - MAIN MODIFICATIONS CONSULTATION
Categories: SITES DPD MM

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Good Afternoon,

Please find below the comments made by The Burgess Hill Town Council Planning Committee on Monday 20 December.

The Committee supported the modified policy SA13.

The Committee agreed with the modified policy SA14 which called for the Inspector to remove the option of access through the CALA Homes Development, so developers would be required to provide access to Hammonds Ridge. This would remove the need to remove any TPO trees.

The Committee made no comments on the modified policy SA16.

The Committee supported a new policy under SA20, which called for 'specialised accommodation for older people comprising of at least 665 additional extra care units (Use Class C2) by 2030, of which at least 570 should be leasehold'.

The Committee supported the inspector's proposed modification policy SA37, 'it should be carefully designed having a clear consideration of matters such as biodiversity and landscape in order to avoid harmful impacts on those features'.

Kind Regards,

Megan Hughes
Projects and Administrative officer
Burgess Hill Town Council
[REDACTED]





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1085

Site Allocations DPD: Main Modifications Response

Main Modification: MM3

ID: 1085
Response Ref: 1085/2/MM3
Respondent: Ian Howard
Organisation:
On Behalf Of:

From: Ian Howard [REDACTED]
Sent: 04 January 2022 12:59
To: Policy Consultation
Subject: Site Allocations SPD - Main Modifications - Response
Attachments: sites_spd_mm_response.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: SITES DPD MM

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Hi,

Please see attached representation on the above consultation.

Please confirm receipt.

Thanks

Ian

Ian Howard



Planning Policy
Mid Sussex District Council (Oaklands)
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

6 Jan 2022

Dear Sir, Madam,

Re: Consultation on Main Modifications to Site Allocation SPD

I write in connection with the above consultation on the Site Allocation SPD.

I commend the local authority for their forward planning in respect to site allocations. The progress made in Mid Sussex is far ahead of most other authorities and this is a credit to officers at Mid Sussex Council.

My representation concerns new policy SA39.

I support the goal of this policy. However the current drafting does not meet the Plan-making requirements of the NPPF. Specifically:

- By inviting development outside existing settlement boundaries, the policy invites development in the countryside. Bullet point (d) creates conflict with existing adopted policies that outline acceptable use of land in the countryside, and with policies that ensure settlements do not coalesce. For this reason, policy SA39 encourages development that will be contrary to existing plan policies and creates conflict and ambiguity for future decision makers.
- Further, as a matter of process, bullet point (d) over-reaches the function of Main Modifications. The function of a Main Modification (MM) is to make the minimum necessary changes to allow a policy to be sound. As drafted, policy SA39 is far broader than the necessary to make the SPD sound.

Conflict with existing adopted policies

Bullet (d) states:

“(d) Where the site is outside the Built-Up Area, it is contiguous with the Built-Up Area Boundary as defined on the Policies Map and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy (policy DP4).”

Several sites proposed during the SPD site-selection process are countryside sites that lie adjacent to existing settlement boundaries. These sites were rejected in the SPD exercise - because they were not in a sustainable locations (as defined by the SPD criteria) and/or were in conflict with adopted policies.

I note that the SPD selection criteria were subject to rigorous consultation, as were the individual site reviews.

Bullet point (d) in SA39 now invites development on the same rejected sites to provide older-persons accommodation. Such development will effectively bypass the SPD selection. Policy SA39 thus creates conflict with the selection criteria of the SPD itself, and with policies DP1, DP13, DP15, DP16 and DP17.

Bullet point (d) also creates new conflict with local plan policies. For example, SA39 conflicts with plan policy E5 in the Haywards Heath Local Plan which identifies countryside which is critical to maintaining the strategic Local Gap (E5 identifies specific land parcels, as referred to and supported by policy DP13 in the District Plan.)

The conflict created by bullet (d) means that policy SA39 fails to meet the requirements for “unambiguous” policy wording, as defined in section 3 of the NPPF.

NPPF section 3 para 16 states:

“16. Plans should:

- a) be prepared with the objective of contributing to the achievement of sustainable development;
- b) be prepared positively, in a way that is aspirational but deliverable;
- c) be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
- d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;**
- e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
- f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”

Impact on future decisions

Should a site that is adjacent to an existing settlement hierarchy be proposed for older persons housing in future, then the applicant will do so on the basis of policy SA39. This site may conflict with the SPD selection criteria, and with other adopted policies.

For example, a number of proposed sites (that failed the SPD selection) fail under policies DP13 and E5.

SA39 creates conflict in future planning decisions, but offers no guidance on how this conflict should be resolved. This leaves the decision maker in an ambiguous situation - unable to determine whether to approve or reject the application.

This is wholly contrary to NPPF para 16 point (d) (bolded above.)

In this situation, should officers recommend refusal of permission, it is almost certain that the conflict will lead to an appeal to the Planning Inspector.

Thus the decisions on such sites will be made by the Inspector. This situation is no better than the situation we have today. It is also contrary to the aim of the SPD exercise, which is to select sites strategically with community consultation at the heart of plan making.

Mis-use of the Main Modification (MM) process

Main Modifications are defined in Government guidance as changes that are “necessary to make the plan sound and legally compliant.”

The inclusion of bullet point (d) is not necessary to make the plan sound or legally compliant. Indeed, for the reasons noted above, bullet point (d) makes the plan less sound by creating ambiguity that does not exist today. The most appropriate remedy to the above situation is to remove point (d).

Recognizing that there is a need to bring forward sites for older persons housing, the Local Authority should also commit to a short site selection process for older persons accommodation. This could be done as a separate SPD or included as part of the forthcoming District Plan review.

Running a strategic selection process has the significant advantage that the best sites are selected and that a sufficient quantum of housing is delivered. (Neither of which will occur with policy SA39 as constructed.)

Proposed Amendments

For the above two reasons, policy SA39 is not sound as currently worded.

To make policy SA39 sound I ask officers to consider the following options:

1. Remove bullet (d) entirely.
2. Modify bullet (d) to reduce conflict by clarifying the size of site required, and the relationship with existing adopted policies - as follows:

“(d) Where the site is outside the Built-Up Area, it is contiguous with the Built-Up Area Boundary as defined on the Policies Map, is within 800m walking distance of an identified centre, will deliver a minimum of 100 units, and does not diminish the Countryside or Local Gap, as defined in policies DP12 and DP13.”

3. Commit to a future site-selection process for older persons accommodation. If bullet (d) is retained then alter it to reflect this:

“(d) It is identified as a site for older persons accommodation in a future Older Persons Site Selection DPD”

4. Commit to review of older persons accommodation as part of the District Plan review process.

Options (3) and (4) are strongly preferable in that they will promote **strategic** development of a sufficient quantum of older persons housing.

Options (1) and (2) are limited modifications which reduce conflict and ambiguity, and also minimize the Main Modification to the necessary text to make the plan sound.

Should the council decide to include bullet (d) of SA39 without modification, this will materially increase the risk of a Judicial Review on the basis that bullet (d) was not necessary to make the plan sound, and that the policy as worded created ambiguity and thus fails to reflect the NPPF requirements for Plan-making.

Yours faithfully

Ian Howard

From: eforms
Sent: 17 January 2022 09:25
To: ldfconsultation
Subject: Site Allocations DPD Consultation Response (Ref: DPDCon-1642411497)
Attachments: Site Allocations DPD Consultation Repsonse Form.pdf

Name	Ian Howard
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Name or Organisation	Ian Howard
Which document are you commenting on?	Site Allocations DPD - Main Modifications
Main Modification (MM)	New policy SA39 relating to accommodation for older persons
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	No
(1) Positively prepared	Sound
(2) Justified	Sound
(3) Effective	Unsound
(4) Consistent with national policy	Unsound
Please outline why you either support or object to the Main Modification?	<p>I wrote previously on the topic of MM3. I am writing again to provide an update based on the draft Local Plan update which was made available last week.</p> <p>In my original representation I noted that the policy on accommodation for older persons (MM3) was not well drafted in respect of bullet point (d). While I support the intent of the policy, the drafting caused ambiguity and conflict with other policies contrary to the SPD itself and to guidance in the NPPF.</p> <p>I note that in the updated Local Plan, which is to be presented to Councillors this week, new policy DPH30 addresses the same need - but has different wording.</p> <p>The language in DPH30 is much better in respect of drafting, and does not create the same issues as the SPD text.</p> <p>As such, I suggest that the policy text in MM3 in the SPD should be replaced with the text from DPH30.</p> <p>If this change was made, then I believe the SPD would be sound. And I would be</p>

happy to withdraw my previous objection to MM3.

This change would also ensure that the SPD text was aligned with the proposed draft local plan.

If you wish to provide further documentation to support your response, you can upload it here

Date 17/01/2022

Name	Ian Howard
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Name or Organisation	Ian Howard
Which document are you commenting on?	Site Allocations DPD - Main Modifications
Main Modification (MM)	New policy SA39 relating to accommodation for older persons
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	No
(1) Positively prepared	Sound
(2) Justified	Sound
(3) Effective	Unsound
(4) Consistent with national policy	Unsound
Please outline why you either support or object to the Main Modification?	<p>I wrote previously on the topic of MM3. I am writing again to provide an update based on the draft Local Plan update which was made available last week.</p> <p>In my original representation I noted that the policy on accommodation for older persons (MM3) was not well drafted in respect of bullet point (d). While I support the intent of the policy, the drafting caused ambiguity and conflict with other policies contrary to the SPD itself and to guidance in the NPPF.</p> <p>I note that in the updated Local Plan, which is to be presented to Councillors this week, new policy DPH30 addresses the same need - but has different wording.</p> <p>The language in DPH30 is much better in respect of drafting, and does not create the same issues as the SPD text.</p> <p>As such, I suggest that the policy text in MM3 in the SPD should be replaced with the text from DPH30.</p> <p>If this change was made, then I believe the SPD would be sound. And I would be happy to withdraw my previous objection to MM3.</p> <p>This change would also ensure that the SPD text was aligned with the proposed draft local plan.</p>
If you wish to provide further documentation to support your response, you can upload it here	
Date	17/01/2022

1723

Site Allocations DPD: Main Modifications Response

Main Modification: MM3

ID: 1723

Response Ref: 1723/1/MM3

Respondent: Joan Roberts

Organisation:

On Behalf Of:

[REDACTED]

From: Peter & Joan Roberts [REDACTED]
Sent: 23 January 2022 15:11
To: Policy Consultation
Subject: Comments on the Main Modifications to the submission draft site allocations
Development Plan Document
Attachments: Letter re Main Modifications to Site Development Plans MSDC.docx


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Please find attached my comments on the Main Modifications to the submission Draft Site Allocation Development Plan Document.

Thank you

Joan Roberts

Sent from [Mail](#) for Windows



Sunday 23rd January 2022

Dear Sir,

I should like to comment on the proposed Main Modifications to the Submission Draft Site Allocations Development Plan Document re East Grinstead.

Specific modifications :

MM2/3 : The plan that the housing for older people should be on the busy Imberhorne Lane, is unsuitable for their needs. There are no community facilities, shops, or services in this area and there would be a considerable walk to reach them, which would be beyond the capabilities of many elderly residents.

Public transport facilities are limited, which would mean reliance on cars for older people to reach Doctor's surgeries Hospitals and other facilities. Proposals should demonstrate how reliance on the private car will be reduced, as this is of vital importance in dealing with climate change. The traffic congestion in this area, in particular at the Felbridge junction with the A22 is considerable, as has been demonstrated by many traffic studies in the past. Local roads have been at capacity for many years and over the past few years many small developments in East Grinstead have contributed to a further increase in traffic.

The addition of the large development at Imberhorne Lane, would make this problem far worse and affect all the surrounding area, including the increase of 'rat runs', where speeding cars would be a danger to local residents, especially children.

There are no firm plans by West Sussex or by Surrey Highways to provide improvements for local roads or junctions. Schemes put forward by developers to widen the A22 into East Grinstead have been shown to be undeliverable. The addition of such a large development and the extra traffic generated, will have a very detrimental effect on the whole of this area.

Are the developer contributions sufficient for enough services eg schools, surgeries etc to be provided for the increase in population ? The lack of infrastructure is of considerable concern in this area and, indeed, in East Grinstead as a whole.

SA20 : Biodiversity and Green Infrastructure : There needs to be more emphasis on monitoring visitor numbers to assess the effect on the SANG and on the Ashdown Forest, as it is a site of national importance.

I hope that in considering all the comments put forward, the good of the community will be prioritised.

Yours sincerely

Joan Roberts (Mrs)

2001

Site Allocations DPD: Main Modifications Response

Main Modification: MM3

ID: 2001
Response Ref: 2001/1/MM3
Respondent: Peter Tooher
Organisation: Nexus
On Behalf Of: Frontier

From: Peter Toohar [REDACTED]
Sent: 21 January 2022 17:31
To: ldfconsultation
Cc: Heather Lindley-Clapp
Subject: Mid Sussex District Council Site Allocations Development Plan Document Representation to Main Modifications Policy SA39 (ref MM3)
Attachments: 220114_Mid Sussex Local Plan Mods (1).pdf Frontier Estates MM3.pdf

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Please see attached in respect of Proposed Policy SA39 (Inspector reference MM3)

Regards

Peter

Peter Toohar
Executive Director

[REDACTED]



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Organisation



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Planning Policy
Mid Sussex District Council
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

21 January 2022



nexusplanning.co.uk

By Email: LDFconsultation@midsussex.gov.uk

Dear Sir/Madam

**Mid Sussex District Council Site Allocations Development Plan Document
Representation to Main Modifications (Reference MM3)
Representations made on behalf of Frontier Estates.**

Introduction

We write on behalf of our client in respect of the recent publication of the November 2021 Main Modifications Consultation version of the Site Allocations Development Plan Document (DPD).

We have previously submitted representations regarding the Mid Sussex Site Allocations DPD on behalf of our client. The representations related to the general requirement for the Council to appropriately and specifically plan for the pressing need for Class C2 units across the authority area, and for the designation of the application site within the DPD specifically for such uses.

We note that the Main Modifications has resulted in a substantial addition in respect of the Council's approach to planning for specialist accommodation for older people and care homes, through the introduction of Policy SA39 (Inspector Reference MM3) which specifically supports such uses.

Our client supports this positive change to the Site Allocations DPD, recognising the importance of ensuring sufficient bedspaces are available for the ageing population. Furthermore, the new policy fully supports our client's commitment to bring forward additional Class C2 developments within the authority area.

In light of the above, the purpose of this letter is to provide further representations in respect of the Main Modifications Consultation version of the Site Allocations DPD.

Policy SA39 of the Site Allocations DPD

The November 2021 Main Modifications version of the Site Allocations DPD includes the new Policy SA39 which recognises that there is an identified need for specialist accommodation for older people, comprising at least 665 additional extra care units (Use Class C2) by 2030.

Importantly, given the pressing need for additional units, Policy SA39 makes it clear that the Council will support proposals that will contribute to meeting these types of specialist accommodation, where:

- a) *It is allocated for such use within the District Plan, Site Allocations DPD or Neighbourhood Plan; or*
- b) *It forms part of a strategic allocation; or*
- c) *It is located within the Built-Up Area Boundary as defined on the Policies Map; or*
- d) *Where the site is outside the Built-Up Area, it is contiguous with the Built-Up Area Boundary as defined on the Policies Map and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy (policy DP4).*

In all circumstances, the site must be accessible by foot or public transport to local shops, services, community facilities and the wider public transport network. Proposals must demonstrate how reliance on the private car will be reduced and be accompanied by a Travel Plan which sets out how the proposal would seek to limit the need to travel and how it offers a genuine choice of transport modes, recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.'

The reasoning provided for this substantial modification in the supporting Main Modifications schedule, states that:

'The modification takes account of the recent appeal decision in relation to a proposal for an extra care development of up to 84 units of Use Class C2 at Albourne. This appeal decision underlines the importance of providing for older persons' housing, both in paragraph 61 of the Framework, and also in the Planning Practice Guidance, which stresses that the need to provide housing for older people is critical in view of the rising numbers in the overall population.

Moreover, the need for specialist housing for older people is set to increase significantly in Mid Sussex during the rest of the plan period, with no signs of slowing down.

The statistical context at the start of the policy gives some steer as to how much need there actually is for specialist accommodation for older people and care homes.'

The justification provided in the Modifications Schedule accords with our previous representations made in respect of the Site Allocations DPD in September 2020. These representations made it clear that the Council should be appropriately planning to meet the needs of the elderly population, the demand for which has been identified in the recent Appeal Decision. Our client welcomes these modifications.

In particular, the new policy supports our client's position that there is both local and national policy support for the increase in the requirement for older persons' housing across the country, and that this is particularly relevant within Mid Sussex, as supported by the Council's own evidence base.

Our client supports the Council's pragmatic approach in planning for the growing elderly population within Mid Sussex. The support provided by the recent Albourne Appeal Decision and the acknowledgement by the

Council that proposals for Class C2 Uses will be supported on appropriate sites is welcome, and fully complies with national planning policy and guidance. As set out above, the supporting text within the Main Modifications Schedule also acknowledges that the need for specialist housing is set to increase 'significantly' during the remainder of the planning period, with 'no signs of slowing down'.

Site at Bydanda, Brighton Road, Hassocks

Within our September 2020 representations, we also provided detailed justification with regard to the suitability of our client's site off Brighton Road in Hassocks, for the development of a Class C2 scheme. The Council is currently determining an application for the erection of a Class C2 scheme (reference DM/21/1653).

The new Policy SA39, which specifically supports additional Class C2 developments in the authority area, also directly supports the proposed development at Brighton Road and adds further weight to a positive determination of that application.

In this regard, Criteria (d) of Policy SA39 states that where applications are proposed outside of the Built Up Area, any development must be contiguous within the Built Up Area Boundary. The application site is contiguous with the existing built up area boundary of Hassocks, being located directly to the south of the boundary. The detailed justification provided within the Planning Statement supports this further, demonstrating that:

- the Council has previously allowed the intensification of uses at the application site through granting permission for four large detached dwellings;
- the site is within the built extent of Hassocks, being surrounded on all sides by development and forming a clear continuation of the urban form of the settlement; and
- the site does not materially contribute to the setting of the countryside and the development of the site would not untenably impact on Mid Sussex's wider countryside designation. The site does not function as part of the countryside, and is not a protected landscape.

The Policy also states that all proposals must be accessible by foot or public transport to local shops, services, community facilities and the wider public transport network. Proposals must demonstrate how reliance on the private car will be reduced and be accompanied by a Travel Plan which sets out how the proposal would seek to limit the need to travel.

The site is located approximately 650m south-west of Hassocks Village Centre where a number of amenities including grocery stores, a post office, and several eating and drinking establishments are located. Hassocks Health Centre is located less than 1km east of the site and is approximately five minutes away by car. The site is located 0.4 miles from Hassocks Train Station which provides two services every hour to Cambridge, Brighton, and London Victoria via Gatwick Airport. In addition, there are two bus stops within 200m of the site that provide access to Brighton, Kemp Town, Crawley, Haywards Heath and East Grinstead.

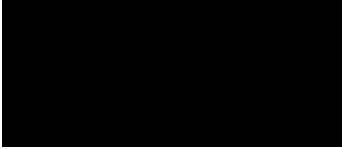
The application is supported by a Transport Statement and Travel Plan, which demonstrate that safe and suitable access can be achieved by all modes.

As such, it is clear that site is located within a sustainable area making this an entirely appropriate location to meet the need for additional accommodation for older residents. The Byanda proposal will help to contribute to the pressing need for additional Class C2 units identified within Policy SA39.

Mid Sussex Site Allocations DPD Consultation – Frontier Estates Representation continued

We trust these representations will be taken into account during the review of the consultation during the examination of the Site Allocations DPD. Should you have any queries or require any additional information, please do not hesitate to contact us.

Yours faithfully



Executive Director

2092

Site Allocations DPD: Main Modifications Response

Main Modification: MM3

ID: 2092
Response Ref: 2092/1/MM3
Respondent: Tim Burden
Organisation: Turley
On Behalf Of: Rainier Developments Ltd

From: Tim Burden [REDACTED]
Sent: 24 January 2022 19:23
To: Policy Consultation
Cc: gs; Hannah Knowles; 'Charlotte Glancy'
Subject: Representations to the Mid Sussex Site Allocations DPD: Main Modifications Consultation on behalf of Rainier Developments Limited
Attachments: Representations to the Mid Sussex Site Allocations DPD - FINAL 240122.pdf; Appendix TB1 - Review of Appendix 2 Assessment of Regulation 19 site submissions 240122.pdf
Importance: High

You don't often get email from [REDACTED] [why this is important](#)

Dear Sir / Madam,

Please find attached representations on behalf of our Client, Rainier Developments Ltd, in respect of the proposed main modifications consultation to the emerging Mid Sussex Site Allocations DPD ("SADPD").

Rainier currently hold land interests at Turner's Hill Road, Copthorne that has continued to be promoted for C2 accommodation through the SADPD process. The site is currently the subject of an on-going appeal (PINS Reference: APP/D3830/W/21/3281350) due to be heard at inquiry on 25th January 2022 for the following development:

'The development of a 64 bed carehome (Class C2) and associated infrastructure, including a new access road, car park and landscaped gardens.'

Rainier been actively involved within the SADPD Examination including through Turley's representations at the relevant Hearing Sessions, and subsequent discussions with Mid Sussex District Council Planning Officer's to address the Inspector's Action Point 18.

Whilst a Statement of Common Ground (SoCG) has been agreed on 20th September 2021 (Local Plan Examination Document MSDC-15) and a draft policy has been included within the Main Modifications to the SADPD to address the needs for C2 accommodation within the District to 2031, Turley continues to have significant concerns over the soundness of the draft policy which does not reflect the SoCG and, as we submit, will simply not facilitate available and developable sites to meet the needs for older persons accommodation in the District.

Given the recent confirmation on (19th January 2022) from Mid Sussex District Council (MSDC) that the new District Plan is paused, it is fundamental to the soundness of the SADPD that any policy focussed on delivering specialist accommodation provides a clear and deliverable strategy for meeting the identified needs for specialist accommodation. This could either be through specific C2 site allocations or a flexible policy facilitating the delivery of such uses based upon the locational, accessibility and viability factors of C2 developments.

I would be grateful if you could confirm safe receipt and that these representations have been duly lodged.

Regards
Tim

Tim Burden
Director

Turley

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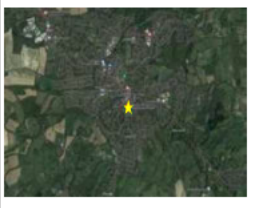

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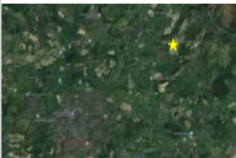

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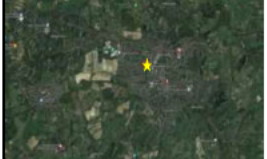

Appendix TB1 -



Review of Appendix 2: Assessment of Regulation 19 site submissions

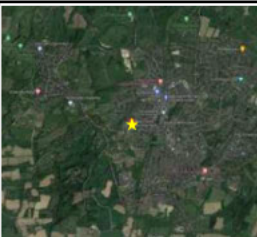

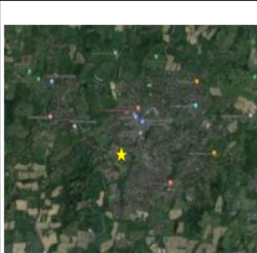

C2 Planning Permissions- Source: Site Allocations – Housing for Older People Topic Paper – December 2020								
Application Reference / Site Address/ Description of Proposal/ Date of Decision	Site Capacity (Net Supply)	Name of nearest settlement (as identified in the adopted settlement hierarchy) and distance from site	Site Designations according to adopted Proposals Map	Name of nearest train station and distance from site	Location of nearest bus stop, distance to nearest bus stop and services provided	Aerial Photo (yellow star represents location of the site)	Site Plan	Likely compliance with Emerging SADPD policy?
<p>DM/16/0177</p> <p>St Albans House, Lingfield Road, East Grinstead</p> <p>Change of use from a dwelling house (C3) to residential care home (C2), replacement of entrance gates and erection of railings on front boundary wall, replacement of garage door and first floor window over with window.</p> <p>Approved: 17 March 2016</p>	9	<p>East Grinstead Category 1, Settlement with a comprehensive range of services and facilities</p> <p>Site is located within the settlement boundary</p>	<ul style="list-style-type: none"> Ashdown Forest 7km Zone of Influence Within the built up area boundary 	<p>Name of Station East Grinstead</p> <p>Distance from site (car) 1.7km</p> <p>Distance from site (walk) 1.3km – 16 mins</p>	<p>Location: Hermitage Lane Distance from Site: 110m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> 409 – Selsdon/South Croydon/Blindley Heath/Chelmsham <p>Location: Hermitage Road Distance from Site: 260m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> 409 – East Grinstead 		 <p>EXISTING SITE PLAN</p>	Yes (not new source of supply however)



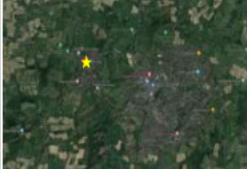

<p>DM/17/2534</p> <p>Land East of Brighton Road, Brighton Road, Slaughtam</p> <p>Reserved Matters application for details of the appearance, landscaping, layout and scale following outline permission DM/15/4711 of Phase 1 for the construction of 156 dwellings, 24-bed care facility, community hub with associated access, parking open space and associated infrastructure and earthworks</p> <p>Approved: 13 October 2017</p>	<p>24</p>	<p>Handcross Category 3, Medium sized village</p> <p>Distance from site 3.4km</p> <p>Site is located outside of the settlement boundary</p>	<ul style="list-style-type: none"> District Plan – Strategic Sites High Weald AONB District Plan Policy DP10 and DP16 	<p>Name of Station Crawley</p> <p>Distance from site (car) 4.5km</p> <p>Distance from site (walk) 4.0km – 48 mins</p>	<p>Location: Parish Lane Distance from Site: 0 km (on the boundary line)</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> 271 – Kemp Town 273 – Brighton <p>Location: Parish Lane Distance from Site: 0 km (on the boundary line)</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> 271 – Crawley 273 – Crawley 633 – Faygate 20 fastway – Langshott <p>Location: Woodgate Distance from Site: 0 km (on the boundary line)</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> 20 fastway – Langshott 			<p>Yes (not new source of supply however)</p>
<p>DM/18/1762</p> <p>1-25 Bell Hammer, East Grinstead</p> <p>Demolition of former sheltered housing scheme at Bell Hammer and the erection of 35 retirement living apartments for older persons, to include 31no. 1 bed apartments and 4no. 2 bed apartments.</p> <p>Approved: 04 February 2019</p>	<p>10</p>	<p>East Grinstead Category 1, Settlement with a comprehensive range of services and facilities.</p> <p>Site is located within the settlement boundary</p>	<ul style="list-style-type: none"> Within the built up area boundary Allocated housing site Within Ashdown Forest 7km Zone of Influence 	<p>Name of Station East Grinstead</p> <p>Distance from site (car) 1.1km</p> <p>Distance from site (walk) 1.1km – 16 mins</p>	<p>Location: Bell Hammer Distance from Site: 0 km (on the boundary line)</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> 84 – East Grinstead <p>Location: War Memorial (Stop J) Distance from Site: 190m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> 84 – Crawley 261 – East Grinstead 270 – East Grinstead to Brighton 281 – Crawley 291 – Crawley 400 – Caterham/Manor Royal 409 – Selsdon/South Croydon 			<p>Yes (not new source of supply however)</p>


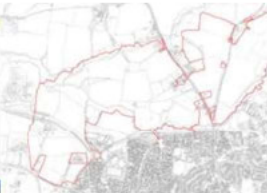
					<p>Location: War Memorial (Stop H) Distance from Site: 220m Services/Routes:</p> <ul style="list-style-type: none"> • 281 – Lingfield • 270 – Brighton • 291 – Tunbridge Wells • 400 – East Grinstead • 261 – Uckfield • 485 – Domewood 		
<p>DM/17/1262</p> <p>Westall House, Birchgrove Road, Horsted Keynes</p> <p>Demolition of 16 existing single storey sheltered housing units located on the south western side of site and erection of a new two storey Extra Care facility comprising 24 no. 1 and 2 bedroom apartments plus communal and ancillary facilities. Erection of a new single storey extension to the dining room and kitchen on north western elevation. Erection of a new two storey Dementia Care extension on the north eastern side of the site comprising 12 no. care bedroom suites plus communal and ancillary facilities. Conversion of 3 no existing bedrooms to care bedroom suites. External works including the provision of terraced areas, new car park in front of the Extra Care element and new tree planting and landscaping.</p> <p>Approved: 23 April 2018</p>	12	<p>Hornstead Keynes Category 3, Medium sized village</p> <p>Distance from site 1.0km</p> <p>Site is located outside of the settlement boundary</p>	<ul style="list-style-type: none"> • Protection and Enhancement of Countryside • Ashdown Forest 7km zone of influence • High Weald AONB 	<p>Name of Station Haywards Heath</p> <p>Distance from site (car) 8.7km</p> <p>Distance from site (walk) 8km – 1hr 39 mins</p>	<p>Location: Lucas Distance from Site: 450m Services/Routes:</p> <ul style="list-style-type: none"> • 270 – Brighton/Haywards Heath <p>Location: Lucas Distance from Site: 500m Services/Routes:</p> <ul style="list-style-type: none"> • 270 – East Grinstead 	 	Yes (not new source of supply however)

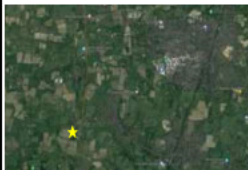

<p>DM/17/1521</p> <p>Lingfield Lodge Retirement Home, London Road, East Grinstead</p> <p>Demolition of existing retirement home (class C3) and proposed redevelopment of the site to provide an Extra Care Sheltered Scheme (Class C2) for older people with associated communal facilities. Total of 48 new apartments with communal facilities including a communal lounge and dining area together with a range of recreational rooms. The entrance road to the site is to be increased to enable safer access to 18 car-parking spaces and there will be new landscaped areas with communal gardens. (Amended plans received 18/8/17 which reduce apartments from 50 to 48 and increase parking to 18 spaces)</p> <p>Approved: 06 September 2018</p>	<p>Extra care, social rented 48</p> <p>Sheltered/Retirement home 26</p>	<p>East Grinstead Category 1, Settlement with a comprehensive range of services and facilities.</p> <p>Site is located within the settlement boundary</p>	<ul style="list-style-type: none"> • Within the Built up Area Boundary • Ashdown Forest 7km Zone of Influence 	<p>Name of Station East Grinstead</p> <p>Distance from site (car) 1.4km</p> <p>Distance from site (walk) 0.9km – 13 mins</p>	<p>Location: Lingfield Road Distance from Site: 22m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> • 291 – Crawley • 485 – Domewood • 400 – Manor Royal/Caterham/Earlswood <p>Location: Lingfield Road Distance from Site: 34m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> • 400 – East Grinstead • 291 – Tunbridge Wells/Forest Row 			<p>Yes (not new source of supply however)</p>
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<p>DM/18/1349</p> <p>Oaklodge Nursing Home, 2 Silverdale Road, Burgess Hill</p> <p>Demolition of existing shed and proposed extension of the existing 21 bed care home creating an additional 9 bedrooms of which 7 are en-suite (amended plans received 20 August 2018 and 4 September 2018)</p> <p>Approved: 01 October 2018</p>	<p>9</p>	<p>Burgess Hill Category 1, Settlement with a comprehensive range of services and facilities.</p> <p>Site is located within the settlement boundary</p>	<ul style="list-style-type: none"> Partially located within Protecting Areas of Townscape Value Conservation Area Within Built up Area Boundary 	<p>Name of Station Burgess Hill</p> <p>Distance from site (car) 180m</p> <p>Distance from site (walk) 170m – 2 mins</p> <p>Name of Station Wivelsfield</p> <p>Distance from site (car) 1.7km</p> <p>Distance from site (walk) 1.6km – 19 mins</p>	<p>Location: Burgess Hill School Distance from Site: 120m Services/Routes:</p> <ul style="list-style-type: none"> 35C – Burgess Hill Circular 33 – Haywards Heath <p>Location: Burgess Hill School Distance from Site: 150m Services/Routes:</p> <ul style="list-style-type: none"> 35A – Burgess Hill Circular 33 – Hurstpierpoint <p>Location: Oadkwood Road Distance from Site: 100m Services/Routes:</p> <ul style="list-style-type: none"> 271 – Crawley 272 – Crawley/Haywards Heath <p>Location: Oadkwood Road Distance from Site: 170m Services/Routes:</p> <ul style="list-style-type: none"> 272 – Kemp Town 271 – Kemp Town 			<p>Yes (not new source of supply however)</p>
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<p>DM/18/0582</p> <p>Beech Hurst Nursing Home, Butlers Green Road, Haywards Heath</p> <p>Demolition of the existing building and redevelopment of the site to provide a replacement care home (Use Class C2) arranged over three storey and part basement together with associated car parking, landscaping and amenity space.</p> <p>Approved: 30 October 2018</p>	16	<p>Haywards Heath Category 1, Settlement with a comprehensive range of services and facilities</p> <p>Site is located within the settlement boundary</p>	<ul style="list-style-type: none"> • Within Built up Area Boundary 	<p>Name of Station Wivelsfield</p> <p>Distance from site (car) 1.1km</p> <p>Distance from site (walk) 0.9km – 11 mins</p>	<p>Location: Nightingale Centre</p> <p>Distance from Site: 69m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> • 634 – Haywards Heath • STPL – Cowfold • 89 – Haywards Heath • 39 – Haywards Heath • 31 – Uckfield • 271 – Kemp Town <p>Location: Nightingale Centre</p> <p>Distance from Site: 2m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> • 39 – Bolnore Village • 271 – Crawley • 31 – Cuckfield • 89 – Horsham 	 	Yes (not new source of supply however)
<p>DM/18/1274</p> <p>23 and 25 Bolnore Road Haywards Heath</p> <p>Demolition of dwelling at No. 25 and garage at No. 23 Bolnore Road and redevelopment to form 15 sheltered dwellings for the elderly, comprising 8 retirement cottages and 7 retirement apartments, including communal facilities, access, car parking and landscaping. Amended plans received 01/11/2018, elevations to apartments and retention of Norwegian Maple.</p> <p>Approved: 20 May 2019</p>	15	<p>Haywards Heath Category 1, Settlement with a comprehensive range of services and facilities</p> <p>Site is located within the settlement boundary</p>	<ul style="list-style-type: none"> • Within Built up Area Boundary 	<p>Name of Station Hayward's Heath</p> <p>Distance from site (car) 1.2km</p> <p>Distance from site (walk) 1.0km – 12 mins</p>	<p>Location: Nightingale Centre</p> <p>Distance from Site: 450m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> • 634 – Haywards Heath • STPL – Cowfold • 89 – Haywards Heath • 39 – Haywards Heath • 31 – Uckfield • 271 – Kemp Town <p>Location: Nightingale Centre</p> <p>Distance from Site: 350m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> • 39 – Bolnore Village • 271 – Crawley 	 	Yes (not new source of supply however)



						<ul style="list-style-type: none"> • 31 – Cuckfield • 89 – Horsham 		
<p>DM/19/2834</p> <p>Walstead Place, Scaynes Hill Road, Lindfield</p> <p>Single storey extension and the creation of 6 car parking spaces.</p> <p>Approved: 09 September 2019</p>	9	<p>Lindfield Category 2, Larger village acting as Local Service Centre</p> <p>Distance from site 1.7km</p> <p>Site is located outside of the settlement boundary</p>	<ul style="list-style-type: none"> • Protection and Enhancement of Countryside 	<p>Name of Station Hayward's Heath</p> <p>Distance from site (car) 3.7km</p> <p>Distance from site (walk) 3.3km – 42 mins</p>	<p>Location: Letter Box</p> <p>Distance from Site: 300m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> • 31 – Haywards Heath/Cuckfield • 31A – Cuckfield <p>Location: Letter Box</p> <p>Distance from Site: 300m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> • 31 – Uckfield • 31A – Uckfield 	 	Yes (not new source of supply however)	
<p>DM/18/3008</p> <p>Pelham House, London Road, Cuckfield</p> <p>Proposed single storey rear extension to form 4no. new ensuite bedroom facilities.</p> <p>Approved: 28 September 2018</p>	4	<p>Cuckfield Category 2, Larger village acting as Local Service Centre</p> <p>Site is located within the settlement boundary</p>	<ul style="list-style-type: none"> • Within Built up Area Boundary • Housing Allocation (CNP1) • London Road, Barrowfields, & Whitemans Green South 	<p>Name of Station Hayward's Heath</p> <p>Distance from site (car) 3.7km</p> <p>Distance from site (walk) 3.1km – 36 mins</p>	<p>Location: Ardingly Road</p> <p>Distance from Site: 58m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> • 31 – Cuckfield • 271 – Crawley <p>Location: Ardingly Road</p> <p>Distance from Site: 85m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> • 31 – Uckfield • 271 – Kemp Town 	 	Yes (not new source of supply however)	





<p>DM/18/S114</p> <p>Northern Arc, Burgess Hill</p> <p>Comprehensive, phased, mixed-use development comprising approximately 3,040 dwellings including 60 units of extra care accommodation (Use Class C3) and 13 permanent gypsy and traveller pitches, including a Centre for Community Sport with ancillary facilities (Use Class D2), three local centres (comprising Use Classes A1-A5 and B1, and stand-alone community facilities within Use Class D1), healthcare facilities (Use Class D1), and employment development comprising a 4 hectare dedicated business park (Use Classes B1 and B2), two primary school campuses and a secondary school campus (Use Class D1), public open space, recreation areas, play areas, associated infrastructure including pedestrian and cycle routes, means of access, roads, car parking, bridges, landscaping, surface water attenuation, recycling centre and waste collection infrastructure with associated demolition of existing buildings and structures, earthworks, temporary and permanent utility infrastructure and associated works.</p> <p>Approved: 04 October 2019</p>	<p>60</p>	<p>Burgess Hill Category 1, Settlement with a comprehensive range of services and facilities.</p> <p>Site is located within the settlement boundary</p>	<ul style="list-style-type: none"> • Within the Built up Area Boundary • New Amenity Space • District Plan – Strategic Sites • District Plan – Sport Allocation • Flood Zones • Informal Open Space 	<p>Name of Station Wilvelsfeld & Burgess Hill</p>	<ul style="list-style-type: none"> • Nature Conservation and Biodiversity • New Amenity Space • Housing Allocation • District Plan – Sport Allocation • Built up Area Boundary • Informal Open Space 			<p>Yes (not new source of supply however) – part of only allocation in MSDP</p>
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<p>DM/19/1001</p> <p>Site of former Hazeldens Nursery, London Road, Albourne</p> <p>Outline application for an extra care development of up to 84 units (comprising of apartments and cottages) associated communal facilities, 2no. workshops; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures. Works to also include the demolition of the existing bungalow on the site. All matters to be reserved except for access.</p> <p>Refused: 26 July 2019</p>	<p>84</p>	<p>Albourne Category 3, Medium sized village</p> <p>Distance from site 350m</p> <p>Site is located outside of the settlement boundary</p>	<ul style="list-style-type: none"> Protection and Enhancement of Countryside District Plan Policy DP12 Neighbourhood Plan Policy C1 	<p>Name of Station Hassocks</p> <p>Distance from site (car) 6.3km</p> <p>Distance from site (walk) 5.2km – 1hour 5mins</p>	<p>Location: Breechlands Hassocks Distance from Site: 85m Services/Routes: • 100 – Burgess Hill</p> <p>Location: Breechlands Distance from Site: 85m Services/Routes: 100 – Washington/Pulborough</p> <p>Location: Arden Garage Distance from Site: 85m Services/Routes: • 100 – Burgess Hill</p> <p>Location: Arden Garage Distance from Site: 85m Services/Routes: • 100 – Pulborough</p>			<p>Allowed on appeal</p>
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Assessment of Regulation 19 site submissions - Source: Site Allocations – Housing for Older People Topic Paper – December 2020

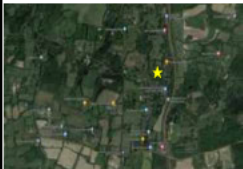

Application Reference / Site Address	Site Capacity (Net Supply)	Name of nearest settlement (as identified in the adopted settlement hierarchy) and distance from site	Site Designations according to adopted Proposals Map	Name of nearest train station and distance from site	Location of nearest bus stop, distance to nearest bus stop and services provided	Aerial Photo (yellow star represents location of the site)	Site Plan	
<p>Byanda Brighton Road Hassocks West Sussex BN6 9LX</p> <p>Pending application: DM/21/1653</p> <p>Demolition of Byanda (a single residential property and ancillary buildings) and the erection of a 66 bedroom residential care facility, with associated access, ground works, car parking, servicing, private amenity space, landscaping and boundary treatment. 'Additional drainage and transport information received 16th August 2021'</p>	66	<p>Hassocks Category 2, Large village acting as Local Service Centre</p> <p>Distance from site 750m</p> <p>Site is located outside of the settlement boundary</p>	<ul style="list-style-type: none"> Protection and Enhancement of Countryside <p>Discounted: Extant planning permission for 4 dwellings. Concerns raised over suitability of the site to accommodate the scale of development proposed. Given the planning history it is not considered that the site should be allocated for C2 or C3 use. Sufficient C3 are allocated within the Site Allocations DPD to ensure the housing requirement is met in full. The District Plan provides a policy framework for addressing any C2 need arising</p>	<p>Name of Station Hassocks</p> <p>Distance from site (car) 750m</p> <p>Distance from site (walk) 750m – 9mins</p>	<p>Location: Nurseries</p> <p>Distance from Site: 190m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> 590 – Sayers Common 270 – East Grinstead 271 – Crawley 272 – Crawley/Haywards Heath 273 – Crawley <p>Location: Nurseries</p> <p>Distance from Site: 190m</p> <p>Services/Routes: 220m</p> <ul style="list-style-type: none"> 270 – Brighton 272 – Kemp Town 271 – Brighton /Kemp Town 590 – Keymer 			Unknown – still pending consideration



Woodpeckers, Copthorne	72	<p>Crawley Down Category 2, Larger village acting as Local Service Centre</p> <p>Distance from site 2.2km</p> <p>Copthorne Category 2, Larger village acting as Local Service Centre</p> <p>Distance from site 2.4km</p> <p>Site is located outside of the settlement boundary</p>	<ul style="list-style-type: none"> • Protection and Enhancement of Countryside • Within the Copthorne District Boundary <p>Site Discounted: Due to it not being compliant with the District Plan Strategy. The site is unrelated to an existing settlement boundary.</p>	<p>Name of Station Three Bridges</p> <p>Distance from site (car) 5.8km</p> <p>Distance from site (walk) 5.8km – 1hour 11 mins</p> <p>Name of Station Gatwick Airport</p> <p>Distance from site (car) 9.2km</p> <p>Distance from site (walk) 7.0km – 1 hour 25 mins</p>	<p>Location: The Duke's Head</p> <p>Distance from Site: 100m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> • 400 – East Grinstead <p>Location: The Duke's Head</p> <p>Distance from Site: 250m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> • 291 – Tunbridge Wells/ Forest Row • 272 – Kemp Town • 281 – Lingfield/East Grinstead 			No - site is located outside of the settlement boundary
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<p>Hazelden Nursery Albourne (now granted planning permission – see previous table)</p>	<p>132</p>	<p>Albourne Category 3, Medium sized village</p> <p>Distance from site 350m</p> <p>Site is located outside of the settlement boundary</p>	<ul style="list-style-type: none"> Protection and Enhancement of Countryside District Plan Policy DP12 Neighbourhood Plan Policy C1 <p>Appeal Allowed in September 2020</p>	<p>Name of Station Hassocks</p> <p>Distance from site (car) 6.3km</p> <p>Distance from site (walk) 5.2km – 1hour 5mins</p>	<p>Location: Butts Cottages</p> <p>Distance from Site: Abuts site boundary</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> 100 – Burgess Hill <p>Location: Arden Grange</p> <p>Distance from Site: 280m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> 100 – Pulborough/ Washington 			<p>Site allowed at appeal</p>
<p>Courthouse Farm Copthorne</p>	<p>100</p>	<p>Copthorne Category 2, Larger village acting as Local Service Centres</p> <p>Distance from site 1.5km</p> <p>Site is located outside of the settlement boundary</p>	<ul style="list-style-type: none"> Protection and Enhancement of Countryside <p>Discounted: Further site assessment identified potential adverse effects on the Copthorne Wildlife Site and it does not fit settlement pattern.</p>	<p>Name of Station Three Bridges</p> <p>Distance from site (car) 4.6km</p> <p>Distance from site (walk) 4.6km – 57 mins</p> <p>Name of Station Gatwick Airport</p> <p>Distance from site (car) 8.0km</p> <p>Distance from site (walk) 6.0km – 1hour 13mins</p>	<p>Location: Abergavenny Gardens</p> <p>Distance from Site: 600m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> 291 – Crawley 400 – Caterham 281 – Crawley 272 – Crawley <p>Location: Abergavenny Gardens</p> <p>Distance from Site: 750m</p> <p>Services/Routes:</p> <ul style="list-style-type: none"> 400 – East Grinstead 291 – Tunbridge Wells 272 – Kemp Town 281 – Lingfield 			<p>No – due to issues identified by Council</p>

<p>Land west of London Road, Handcross (Land at Hyde Lodge, London Road, Handcross) – Site 823</p>	<p>65</p>	<p>Handcross Category 3, Medium sized village</p> <p>Distance from site 1.1km</p> <p>Site is located outside of the settlement boundary</p>	<ul style="list-style-type: none"> Protection and Enhancement of Countryside High Weald AONB <p>Discounted: It is not considered further following detailed site assessment due to its proximity to SSSI/SNCI</p>	<p>Name of Station Crawley</p> <p>Distance from site (car) 5.8km</p> <p>Distance from site (walk) 5.4km – 1hour 5mins</p>	<p>Location: Brighton Road Distance from Site: 290m Services/Routes:</p> <ul style="list-style-type: none"> 633 – Horsham 4 – Horsham <p>Location: Brighton Road Distance from Site: 350m Services/Routes:</p> <ul style="list-style-type: none"> 633 – Faygate 4 – Pease Pottage <p>Location: Primary School Distance from Site: 300m Services/Routes:</p> <ul style="list-style-type: none"> 271 – Kemp Town 271 – Brighton 633 – Horsham 4 – Horsham <p>Location: Brighton Road Distance from Site: 350m Services/Routes:</p> <ul style="list-style-type: none"> 271 – Crawley 633 – Faygate 271 – Crawley 4 – Pease Pottage 		<p>No – due to issues identified by Council</p>
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Other sites promoted prior to Regulation 19 but not re-submitted - Source: Site Allocations – Housing for Older People Topic Paper – December 2020

Application Reference / Site Address	Site Capacity (Net Supply)	Name of nearest settlement (as identified in the adopted settlement hierarchy) and distance from site	Site Designations according to adopted Proposals Map	Name of nearest train station and distance from site	Location of nearest bus stop, distance to nearest bus stop and services provided	Aerial Photo (yellow star represents location of the site)	Site Plan	
Packway House, land north of Bolney	150	Bolney Category 3, Medium sized village Distance from site 1km Site is located outside of the settlement boundary	<ul style="list-style-type: none"> • High Weald AONB • Protection and Enhancement of Countryside <p>Discounted: Planning appeal dismissed in December 2020. It is not considered that following further detail site assessment due to its likely high adverse impact on the AONB. An alternative, smaller scale site submitted at Regulation 19 but not specifically for C2 use.</p>	Name of Station Hayward's Heath Distance from site (car) 8.2km Distance from site (walk) 8.0km –1hour 38mins	<p>Location: Broxmead Lane Distance from Site: 750m Services/Routes:</p> <ul style="list-style-type: none"> • 89 – Horsham • 273 – Crawley <p>Location: Broxmead Lane Distance from Site: 210m Services/Routes:</p> <ul style="list-style-type: none"> • 89 – Haywards Heath/Cuckfield • 273 – Brighton 			No – and dismissed appeal

<p>Land at Tilgate Forest Lodge Brighton Road Pease Pottage</p> <p>Appeal dismissed: June 2021</p>	<p>33</p>	<p>Pease Pottage Category 3, Medium sized village</p> <p>Distance from site 1.7km</p> <p>Handcross Category 3, Medium sized village</p> <p>Distance from site 2.4km</p> <p>Site is located outside of the settlement boundary</p>	<ul style="list-style-type: none"> Protection and Enhancement of Countryside High Weald AONB <p>Discounted: Site has been assessed as not being complaint with the District Plan Strategy. The site is unrelated to an existing settlement boundary</p>	<p>Name of Station Crawley</p> <p>Distance from site (car) 5.8km</p> <p>Distance from site (walk) 5.3km -1hour 4mins</p>	<p>Location: The Home Farm Distance from Site: Abuts site boundary at access point Services/Routes: <ul style="list-style-type: none"> 633 – Horsham </p> <p>Location: The Home Farm Distance from Site: 26m Services/Routes: <ul style="list-style-type: none"> 633 – Faygate </p> <p>Location: Tilgate Forest Row Distance from Site: 150m Services/Routes: <ul style="list-style-type: none"> 273 – Brighton 271 – Kemp Town 633 – Horsham </p>			<p>No</p>
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**Representations to the Mid Sussex Site
Allocations DPD: Main Modifications
Consultation**

On behalf of Rainier Developments Limited

January 2022

Contents

1.	Introduction	1
2.	Legislative and planning policy background to care provision	3
3.	Addressing the need for Specialist Accommodation	6
4.	Emerging Policy SA39 (Main Modification MM3)	8
5.	Compliance of SA39 with the tests of soundness	13

Appendix 1: Turley Assessment of Sites included within Topic Paper 4: Older Person Accommodation

Tim Burden/ Hannah Knowles



Client

Rainier Developments Ltd

January 2022

1. Introduction

- 1.1 These representations have been submitted on behalf of our Client, Rainier Developments Ltd (“Rainier”) in respect of the proposed main modifications consultation to the emerging Mid Sussex Site Allocations DPD (“SADPD”).
- 1.2 Rainier currently hold land interests at Turner’s Hill Road, Cophorne that has continued to be promoted for C2 accommodation through the SADPD process.
- 1.3 The site is currently the subject of an on-going appeal (PINS Reference: APP/D3830/W/21/3281350) due to be heard at inquiry on 25th January 2022 for the following development:

‘The development of a 64 bed carehome (Class C2) and associated infrastructure, including a new access road, car park and landscaped gardens.’

- 1.4 Rainier been actively involved within the SADPD Examination including through Turley’s representations at the relevant Hearing Sessions, and subsequent discussions with Mid Sussex District Council Planning Officer’s to address the Inspector’s Action Point 18.
- 1.5 Whilst a Statement of Common Ground (SoCG) has been agreed on 20th September 2021 (Local Plan Examination Document MSDC-15) and a draft policy has been included within the Main Modifications to the SADPD to address the needs for C2 accommodation within the District to 2031, Turley continues to have significant concerns over the soundness of the draft policy which does not reflect the SoCG and, as we submit, will simply not facilitate available and developable sites to meet the needs for older persons accommodation in the District.
- 1.6 Given the recent confirmation on (19th January 2022) from Mid Sussex District Council (MSDC) that the new District Plan is paused, it is fundamental to the soundness of the SADPD that any policy focussed on delivering specialist accommodation provides a clear and deliverable strategy for meeting the identified needs for specialist accommodation. This could either be through specific C2 site allocations or a flexible policy facilitating the delivery of such uses based upon the locational, accessibility and viability factors of C2 developments.

Previous Involvement within the SADPD Examination

- 1.7 As set out with our previous representations, there is a requirement through the National Planning Policy Framework (2021)(“NPPF”) and the Planning Practice Guidance (“PPG”) for the SADPD to meet the specific identified needs for older persons’ accommodation.
- 1.8 In addition, Policy DP30 (Housing Mix) of the adopted Mid Sussex District Plan 2014-2031 (adopted 28th March 2018)(“MSDP”), states:

“If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council

will consider allocating sites for such use through a Site Allocations Document, produced by the District Council."

- 1.9 Following the publication of the Inspector's Action Point 18, a SOCG was agreed between Mid Sussex District Council, Turley and Barton Willmore in respect of elements of a draft policy for older persons accommodation, now included as Policy SA39 (Schedule of Main Modification: MM3).
- 1.10 However, as set out in the SOCG, there continue to be a number of matters of disagreement over the soundness of the draft policy which these representations seek to clarify in more detail. For ease of reference, the matters of disagreement outlined within the SOCG are as follows:
- *Parts a) and c) of the adopted Local Plan (Policy DP6) replicates existing policy provisions and fails to support the delivery of specialist older persons accommodation. These parts of the policy fail to add anything in respect of positively supporting the delivery of specialist accommodation for the elderly.*
 - *Part d) of the policy precludes sites that are not contiguous with the built up area boundary coming forward and fails to recognise the sustainability credentials of specialist elderly accommodation; the requirement to ensure the needs of the urban and rural communities are met, whilst also recognising that specialist accommodation providers cannot compete with housebuilders on sites suitable for C3 housing and thus are "squeezed" out of the market, stifling delivery.*

Scope of Representations

- 1.11 These representations have been drafted to provide the context for assessing whether, policy SA39 as drafted, meets the tests of soundness identified at paragraph 35 of the NPPF. The representations are structured as follows:
- Section 2: The legislative and national planning policy background to care provision;
 - Section 3: The role of the SADPD in addressing specialist accommodation in light of the national and local planning policy context; ;
 - Section 4: An assessment of the policy approach taken to Policy SA39; and
 - Section 5: An assessment of whether Policy SA39 satisfies the tests of soundness as set out within the NPPF.

2. Legislative and planning policy background to care provision

The Care Act 2014

- 2.1 The Care Act 2014 received Royal Assent on 14th May 2014. It is ‘An act to make provision to reform the law relating to care and support for adults and the law relating to support for carers; to make provision about safeguarding adults from abuse or neglect; to make provision about care standards; to establish and make provision about Health Education England; to establish and make provision about the Health Research Authority; to make provision about integrating care and support with health services; and for connected purposes’.
- 2.2 AV.2 Section 5 of the Act ‘Promoting diversity and quality in provision of services’ details specific responsibilities falling upon each local authority in terms of facilitating the care market. Paragraphs 1 – 3 (as relevant are included below):
- (1) A local authority **must promote the efficient and effective operation of a market in services for meeting care and support needs with a view to ensuring that any person in its area wishing to access services in the market—***
- (b) has a variety of high quality services to choose from;*
- (2) In performing that duty, a local authority must have regard to the following matters in particular—*
- (b) the need to ensure that it is aware of current and likely future demand for such services and to consider how providers might meet that demand;***
- (e) the importance of fostering continuous improvement in the quality of such services and the **efficiency and effectiveness with which such services are provided and of encouraging innovation in their provision;***
- (3) In having regard to the matters mentioned in subsection (2)(b), a local authority must also have regard to the need to ensure that sufficient services are available for meeting the needs for care and support of adults in its area and the needs for support of carers in its area.*
- 2.3 The Local Plan, or SADPD in this case, is one such way that MSDC can ensure adequate quantity and quality of care home provision within the District in line with the agreed and accepted demand to 2031 whilst satisfying such legal obligations.

NPPF and PPG

- 2.4 Since the adoption of the MSDP in 2018, and notwithstanding the policy position set out at Policy DP30, there has been a significant national policy shift which has recognised that the need to address the housing needs of the elderly is a “critical” issue.
- 2.5 When considering the requirements of the NPPF as previously mentioned, the updated PPG states that “need to provide housing for older people is critical” and recognises that:

“Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking” (PPG Reference ID 63-001-20190626)

- 2.6 There is further acknowledgement that:

“The health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support. For plan-making purposes, strategic policy-making authorities will need to determine the needs of people who will be approaching or reaching retirement over the plan period, as well as the existing population of older people” (PPG Reference ID 63-003-20190626)

- 2.7 The PPG continues to require plan-makers to:

“...consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish” (PPG Reference ID 63-012-20190626)

- 2.8 It confirms that “it is up to the plan-making body to decide whether to allocate sites for specialist housing for older people”, but notes that:

“Allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations. This may be appropriate where there is an identified unmet need for specialist housing. The location of housing is a key consideration for older people who may be considering whether to move (including moving to more suitable forms of accommodation).” (PPG Reference ID 63-013-20190626)

- 2.9 Given the above, there is a need for the SADPD to not only consider the scale of specialist accommodation need but equally assess how and where such sites should come forward in light of the specific nature, function and accessibility requirements of the accommodation being proposed. This is needed to ensure that there is certainty

that the identified need for all forms of specialist accommodation, including carehome accommodation, will be delivered where and when it is needed.

3. Addressing the need for Specialist Accommodation

- 3.1 Policy DP30 (Housing Mix) sets out to “meet the current and future needs of different groups in the community including older people...” and goes on to state that:

“If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such uses through a Site Allocations Document, produced by the District Council.”

- 3.2 The supporting text to Policy DP30 (housing mix) advises that “the Council supports the provision of flexible general market housing and specialist accommodation or care appropriate for older persons through both public and private sector provision”.

- 3.3 It goes on to state that “specialist accommodation and care homes falling within Use Class C2 form a very specific part of the housing needs market. **Supported accommodation such as this, falls within the definition of social infrastructure which also includes community facilities and local services including buildings.** It is considered that Policy DP25: Community Facilities and Local Services therefore applies to the protection of existing specialist accommodation and care home facilities falling within Use Class C2.”

- 3.4 When considering MSDC’s explicit reference within the Local Plan that specialist accommodation and care homes are considered to fall within the definition of social infrastructure and thus covered by of MSDP Policy DP25 (community infrastructure and local services), paragraph 85 of the Framework is also relevant to how the SADPD should take forward and support proposals for such uses within policy. Paragraph 85 of the Framework states:

*“Planning policies and decisions should recognise that sites to meet local business and **community needs** in rural areas **may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.** In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”*

- 3.5 The Framework further requires at paragraph 23 that:

“Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area

(except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or non-strategic policies)”.

- 3.6 Given the above, the SADPD should indeed include a policy on specialist accommodation given the identified shortfall, but **also** ensure that the policy identifies sufficient land to come forward, to meet both housing and community needs in line with paragraph 20 of the Framework.
- 3.7 Therefore, the inclusion of emerging policy SA39 within the SADPD needs to consider and justify the potential supply of specialist accommodation to meet the identified needs to 2031. As required under paragraph 31 of the Framework, *‘the preparation and review of all policies should be underpinned **by relevant and up-to-date evidence**. This should be adequate and proportionate, focused **tightly on supporting and justifying the policies concerned, and take into account relevant market signals**’.*
- 3.8 In our view, emerging policy SA39 has two objectives to achieve:
- *Identify the level of unmet specialist accommodation need to 2031 that needs to be delivered; and*
 - *Identify sufficient and deliverable sites to meet the identified need based upon up-to-date evidence, allowing for development to come forward within locations which can maximise sustainable transport solutions, thus not limited to solely urban areas, reflective of the nature of specialist accommodation.*

4. Emerging Policy SA39 (Main Modification MM3)

The role and purpose of policy SA39

- 4.1 Whilst the introduction of a policy to deliver specialist accommodation within the plan period is welcomed in principle, the policy fails to deliver a positive or effective strategy that will ensure that sufficient accommodation can or will come forward to meet the identified needs over the plan period.
- 4.2 Emerging policy SA39 sets out that the Housing and Economic Need Assessment Addendum (2016) identifies a forecast demand for care homes (Use Class C2) at 2031 of 2,442 bedspaces. This is a significant unmet need that needs to be accommodated up to 2031. The explicit acknowledgement of this need within the policy is supported.
- 4.3 However, our Client's concern principally relates to how and where older persons accommodation will be delivered within the District and whether there is a sufficient supply of suitable, available and deliverable sites to meet this unmet demand over the plan period, based upon both the Council's proposed policy approach and the evidence base underpinning the SADPD Examination.
- 4.4 The SoCG (MSDC-15) includes the Council's justification for SA39 as *'the need for specialist housing for older people is set to increase significantly in Mid Sussex during the rest of the plan period, with no signs of slowing down.'*
- 4.5 This in itself highlights the need to not only allocate sites for C2 uses, specifically carehomes, but also provide flexibility within the policy to support new development coming forward in appropriate locations.
- 4.6 Policy SA39 should have been drafted to comply not only with Policy DP30 mentioned at paragraph 3.1 above, but equally Policy DP25 (Community Facilities and Local Services) with acknowledgement within the Framework, at paragraph 85, that sites for community facilities (of which specialist accommodation is one as defined within DP25) *'may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.'*

The function and operation of care accommodation

- 4.7 The nature of care accommodation is focussed upon residents being unlikely to leave site unaccompanied, with those accessing such sites limited to visitors or employees. A position that is accepted at Page 81 of the MSLP which states *that 'schemes falling within Use Class C2 are considered to usually have a lesser impact on existing communities, for instance through lower vehicle usage levels and reduced parking requirements.'*
- 4.8 This is particularly important when considering how and where care accommodation can be delivered in comparison to other C2 and C3 uses, especially with regard to achieving sustainable development.

4.9 Paragraph 105 of the NPPF states that:

*“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or **can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.** This can help to reduce congestion and emissions, and improve air quality and public health. However, **opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.**”*

4.10 *It is important to be clear that the NPPF does not require that staff and visitors of the development undertake their trips by sustainable modes of transport; as with other forms of development it requires that there are opportunities for people to undertake trips by sustainable modes and that they have a choice of modes.*

4.11 SA39 should be drafted to reflect the specific locational opportunities for care home accommodation as an example, which give rise to a limited number of transport movement and where opportunities for employees/visitors to use sustainable modes of transport can be achieved. This approach would align with the NPPF and provide flexibility for such schemes to come forward and contribute towards meeting the identified needs within the policy.

Whether there is a clear strategy through policy SA39 to bring forward sufficient land to meet the identified supply of specialist accommodation?

4.12 The SADPD has previously, and continues to, only provide one allocation for C2 development which forms part of a strategic proposed allocation ‘SA20 – Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead’. As part of this consultation, MSDC has introduced a policy requirement within SA20 for a minimum of 142 dwellings to come forward as part of the overall allocation (MM2), with the area now identified on the Proposals Map. However, this is not sufficient to meet the C2 needs outlined in Policy SA39.

4.13 At the Local Plan Examination within MSDC’s Matter 3 Hearing Statement, the Council’s position regarding the supply of C2 sites was (Paragraph 8.3):

“The District Plan includes facilitative policies, such as DP30: Dwelling Mix, to enable specialist accommodation to come forward. The rate of new development coming forward does not suggest any current significant unmet need or excess demand. Aside from SA 20, no other suitable sites have, to date, been identified. See Site Selection Paper 3: Housing Sites.”

4.14 Given MSDC has now conceded there is in fact an unmet need for specialist accommodation by virtue of the introduction and wording of Policy SA39, there is a necessity to identify more sites for C2, care home uses, beyond SA20, within the SADPD.

4.15 The SoCG (MSDC-15) sets out that with regard to Policy SA39 *“The locational and accessibility criteria, which **effectively limit** new specialist accommodation for older*

people and care homes within Mid Sussex, is necessary to accord with national policy, as expressed in section 8 of the Framework, which promotes healthy and safe communities as well as with the national sustainability ethos which permeates the entire Framework.”

- 4.16 By MSDC’s own admittance, the policy actively seeks to restrict C2 development coming forward. No consideration has been given to the specific nature and function of care accommodation, and overlooks the requirements of paragraphs 85 and 105 of the NPPF. Such an oversight ultimately casts significant doubt over the ability of SA39 to provide a clear strategy on how the identified needs will be met. This has resulted in a policy that is neither aspirational nor deliverable as required under paragraph 16 of the NPPF.
- 4.17 To support these representations, we enclose a review of the site submissions included within the Housing for Older People Topic Paper (SA Examination Reference: TP4) that is the primary evidence underpinning MSDC’s policy approach to older persons accommodation. Whilst the document sets out a number of sites that have achieved planning permission for C2 uses, these are not delivering a new source of supply to meet the identified needs within the policy and nor specifically addressing the significant unmet needs for carehome provision within the District.
- 4.18 Within Appendix 2 of the Topic Paper, MSDC has provided an overview of all sites promoted to the SADPD and conclude at paragraph 1.62 *that ‘no suitable sites, have to date, been identified’.*
- 4.19 Appendix 2 identifies 8 sites that had been promoted and is the most up-to-date evidence supporting the SADPD of where potential C2 development could be delivered. It is accepted that C2 developments may come forward on windfall sites, notwithstanding our comments on viability below, although we would anticipate that these will make a limited contribution to the significant needs identified.
- 4.20 Of the sites assessed within the Topic Paper, the location of these sites reflects our comments earlier in this Section with regard to the need to give consideration to the application of paragraph 85 of the NPPF.

The application of criterion (d) of SA39

- 4.21 The ability for a step-change in delivery of C2 accommodation to 2031, is reliant upon the flexibility included within point 4 of the policy. Other elements of policy SA39 where C2 development could come forward are merely a duplication of other policies within the Development Plan, and in effect will not deliver a new source of supply that is needed.
- 4.22 Criterion (d) states that such proposals will be supported where:

d) Where the site is outside the Built-Up Area, it is contiguous with the Built-Up Area Boundary as defined on the Policies Map and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy (policy DP4).

- 4.23 When applying criterion d) this policy, the Topic Paper only identified 1 single site that could meet this criteria: 'Byanda, Brighton Road, Hassocks, West Sussex, BN6 9LX' which was discounted by MSDC due to the capacity concerns for C2 development. No other sites have been promoted to the Examination for consideration, and there is no evidence before the Examination that there is any likelihood that such sites will come forward in these locations.
- 4.24 On that basis, MSDC has failed to provide a clear strategy as to bring forward sufficient land to meet the requirement for 2,442 bedspaces of carehome accommodation to 2031. Only a single C2 allocation proposed within the SADPD, with no requirement for the other strategic allocations to contribute towards the supply of C2 accommodation.
- 4.25 Equally, but no less importantly, MSDC has discounted all promoted sites for C2 accommodation without demonstrating why such sites would not comply with paragraph 85 of the Framework. There is no scope for flexibility within the policy for circumstances where the operational and locational requirements for carehomes do not necessitate them being within or directly adjacent to urban areas, but equally would not undermine the other sustainability policies within the NPPF or Development Plan when read as a whole.

Viability considerations of care provision through the Local Plan

- 4.26 The NPPF at paragraph 68 and the PPG on Viability sets out that local plan policies are subject to viability testing at, ideally, the plan making stage and/or the application stage. In this case two viability assessments have been undertaken by the Council; a Community Infrastructure Levy and District Plan Viability Study in July 2016 and a Site Allocations Document – Viability Review dated September 2019 undertaken by HDH Planning & Development Limited.
- 4.27 In both cases developments of Homes for Older People/ specialist accommodation were not subject to viability testing at this current local plan making stage.
- 4.28 In our view, the preparation of this evidence to support the Local Plan Examination is fundamental to understanding whether Policy SA39 will deliver sufficient supply to meet the identified needs for carehome accommodation to 2031. Rainier, who is actively pursuing a potential carehome development within the District, is acutely aware of the viability challenges facing housing for older people and the ability to competitively bid for such sites within the existing market. Such challenges include:
- *The build costs are greater than traditional housing due to larger schemes coming forward rather than individual dwellings;*
 - *The majority of Carehome schemes are delivered as bespoke products due to their size and required facilities, in contrast to mainstream housebuilders or delivery specific product types;*
 - *More inefficient layouts arising from carehome schemes than general housing due to larger areas for communal living and staff accommodation. Unlike general housing, only the occupants room thus a significantly lower amount of saleable/lettable areas; and*

- *The above issues, impact upon the ability for carehomes developers particularly, to be able to pay the same price for land as those bringing forward traditional/general needs housing.*

- 4.29 It is unlikely, that developments of specialist accommodation will come forward in locations where there is general market housing needs, since general market housing schemes will generally always achieve a higher value. This is of particular concern given there is only one strategic allocation proposing the delivery of C2 dwellings, with no certainty, especially from a viability perspective, that C2 provision will come forward on any other strategic sites proposed.
- 4.30 In our view, it is imperative that due to the introduction of the policy, that a Viability Assessment is undertaken by MSDC to support the Examination to fully test the ability of different sectors of the elderly housing market to deliver planning benefits and remain able to compete for sites to ensure planning need is met. This testing must be rigorous and with a full understanding of the economics which relate to this class of property and will require MSDC to be specifically allocate sites to meet the needs of specialist accommodation to provide certainty over delivery.
- 4.31 Therefore, policy SA39 is not underpinned by relevant or up-to -date evidence with respect to a viability assessment or taken account of relevant market signals as required under the NPPF in the drafting of the policy.

5. Compliance of SA39 with the tests of soundness

5.1 Paragraph 35 of the NPPF sets out the tests of soundness against which Local Plans are examined. The test of soundness are as follows:

***a) Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

***b) Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*

***c) Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*

***d) Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.*

5.2 Policy SA39 recognises ‘there is an identified need for specialist accommodation for older people comprising at least 665 additional extra care units (Use Class C2) by 2030, of which at least 570 should be leasehold. The Housing and Economic Development Needs Assessment Addendum (August 2016) identified forecast demand for care homes (Use Class C2) at 2031 as 2,442 bedspaces.’

5.3 This part of the policy has been positively prepared given it sets out the identified need for C2 accommodation over the plan period. However, our principle concern relates to the strategy proposed within SA 39 to meet these need. Paragraph 4.1 of the SADPD states: ‘One of the key tests of an effective development plan is that it is deliverable. The Council has a range of mechanisms which it can use to ensure the Site Allocations DPD objectives and policies are effective’, and it is within this context that SA39 should be assessed.

5.4 The table below provides a response to each part of policy SA39 and concludes whether, in our view, it complies with the tests of soundness outlined above:

	Turley Comment	Compliance with NPPF
<p>Emerging policy SA39: Proposals for specialist accommodation for older people and care homes will be supported where:</p>		
<p>a) It is allocated for such use within the District Plan, Site Allocations DPD or Neighbourhood Plan;</p>	<p>The District Plan does not allocate any sites for specialist accommodation for older people (albeit one is included within the Burgess Hill Northern Arc).</p> <p>The SA DPD only allocates one site within policy SA20 for C2 accommodation.</p> <p>Whilst Neighbourhood Plans can deliver such provision, supply will be localised and will not be sufficient address the District wide need identified within the policy,</p>	<p>Point a) replicates existing policy provision in the adopted Local Plan (Policy DP6 and site allocations policies)</p> <p>This element of the policy which is contrary to paragraph 16 (f) of the NPPF which states that Plans should <i>‘serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).’</i></p> <p>This element of the policy is not required, and not effective in contributing towards positively supporting the delivery of specialist accommodation.</p>
<p>b) It forms part of a strategic allocation; or</p>	<p>Only 1 site has been identified for C2 uses through a minimum of 142 units at proposed allocation SA20: Imberhorne, East Grinstead. There is no operator on-board and its delivery is uncertain. The allocation and quantum identified is supported albeit is not sufficient to meet the</p>	<p>The PPG supports the allocation of sites for specialist accommodation as it provides and certainty over the provision of C2 accommodation. However, a single allocation is fails to make ‘sufficient ‘provision’ to provide</p>

	<p>significant unmet needs identified within SA39. We question the requirement for this policy give it is already covered by Policy SA20.</p> <p>There is no evidence before the Examination that other strategic allocations within the SADPD will bring forward C2 development. There is no certainty that such sites will be any contributions towards meeting the identified needs within the policy. There is an overreliance on this part of the policy to deliver specialist accommodation.</p>	<p>such certainty, with no evidence, as required under paragraph 31 of the Framework, to demonstrate that the remaining strategic allocations will make any contribution to positively addressing the unmet needs.</p>
<p>c) It is located within the Built-Up Area Boundary (BUAB) as defined on the Policies Map;</p>	<p>The principle of development within the BUAB is already supported elsewhere within the District Plan, with no requirement for it to be repeated within this policy.</p> <p>The SADPD includes the allocation of residential sites beyond existing built-up boundaries as there is insufficient previously developed land to meet objectively assessed needs. This position will be no different for specialist accommodation where developers will struggle in viability terms to compete for such sites and in any event, the reliance upon principally windfall sites through this policy provides a lack of certainty that the identified needs can be addressed.</p>	<p>Point a) replicates existing policy provision in the adopted Local Plan (Policy DP6 and site allocations policies)</p> <p>This element of the policy which is contrary to paragraph 16 (f) of the NPPF which states that Plans should <i>‘serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).’</i></p> <p>This element of the policy is not required, and not effective in contributing towards positively supporting the delivery of specialist accommodation.</p>

<p>d) Where the site is outside the Built-Up Area, it is contiguous with the Built-Up Area Boundary as defined on the Policies Map and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy (policy DP4).</p>	<p>Part d) fails to reflect or acknowledge that the locational, accessibility, viability or market considerations for specialist accommodation and specifically carehomes is very different from a C3 development.</p> <p>The Council's justification for MM3 states '<i>The locational and accessibility criteria, which effectively limit new specialist accommodation for older people and care homes within Mid Sussex, is necessary to accord with national policy, as expressed in section 8 of the Framework</i>'. Such an approach is neither 'aspirational nor deliverable' by unnecessarily restricting the delivery of specialist accommodation. The policy should not preclude other sites coming forward that are not contiguous to the existing built-up-area where they accord with relevant provisions within the Development Plan/ NPPF and can achieve sustainable development, particularly paragraphs 105 and 85.</p>	<p>Point d) is contrary to paragraph 85 and 105 of the NPPF and fails to consider opportunities to achieving sustainable development beyond the scope outlined within point d) of the policy.</p> <p>The approach to part d) is not justified given it has not been drafted based on viability or market evidence¹ nor has a detailed review of the locational and accessibility considerations that offers opportunities for flexibility to facilitate the delivery of accommodation in locations that can achieve sustainable development². MSDC position fails to reflect the other requirements within the Framework when read as a whole, and is neither justified in its approach, nor will it be effective in meeting the needs set out within the policy.</p>
	<p>There is no evidence through Topic Paper 4 that this part of the policy will facilitate the delivery of C2 accommodation to 2031.</p>	

¹ As referenced within paragraph 68 of the NPPF

² As referenced within paragraph 85 and 105 of the NPPF

5.5 Overall, Policy SA39 fails to provide a clear strategy to facilitate and support the delivery of specialist accommodation, particularly care homes for the following reasons:

- *The quantum of C2 development now identified within SA20 will only make a minimal contribution to meeting unmet C2 needs;*
- *The reliance on C2 development coming forward on brownfield sites within BUAB, or through the strategic residential allocations has not been tested through viability and nor is there evidence before the Examination that provides any certainty that C2 accommodation will come forward at a sufficient rate, if at all;*
- *No sites have been promoted to the Examination that accord with part d) of the policy, thus providing no certainty the policy will positively facilitate the delivery of specialist accommodation;*
- *The policy is not based upon market considerations or viability evidence to demonstrate that sites can and will come forward in line with the criteria within the policy;*
- *The policy fails to recognise the needs of the urban and rural communities are met and fails the specific sustainability credentials of carehome accommodation; and*
- *The policy by the Council's own admittance limits the provision of specialist accommodation failing to reflect the sustainable credentials of carehome facilities in particular, thus failing to provide a clear strategy as to how such provision will come forward over the plan period.*

5.6 In the interest of continuing effective and joint working with MSDC, we consider the follow minor modifications should be included within policy SA39 which will resolve our outstanding soundness concerns that we have outlined within these representations:

Suggested amendments to draft Policy SA39:

“There is an identified need for specialist accommodation for older people comprising at least 665 additional extra care units (Use Class C2) by 2030, of which at least 570 should be leasehold. The Housing and Economic Needs Assessment Addendum (August 2016) identified forecast demand for care homes (Use Class C2) at 2031 as 2,442 bedspaces. The Council will support proposals that will contribute to meeting these types of specialist accommodation.

Proposals for specialist accommodation for older people and care homes will be supported where:

- a) It is allocated for such use within the District Plan, Site Allocations DPD or Neighbourhood Plan; or**

b) It forms part of a strategic allocation; or

c) It is located within the Built-Up Area Boundary as defined on the Policies Map; or

~~e) Where the site is outside the Built-Up Area, it is contiguous with the Built-Up Area Boundary as defined on the Policies Map and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy (policy DP4).~~

d) the site is well related to existing development, with appropriate access to, or provision of, services and facilities either on or off site, to meet the needs of residents/staff and which contribute to the wider economy and the proposal seeks to reduce the reliance on the private car, having regard to the use proposed.

All proposals should be accompanied by a Travel Plan which sets out how the proposal would seek to limit the need to travel and how it offers a genuine choice of transport modes, recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

~~In all circumstances, the site must be accessible by foot or public transport to local shops, services, community facilities and the wider public transport network. Proposals must demonstrate how reliance on the private car will be reduced and be accompanied by a Travel Plan which sets out how the proposal would seek to limit the need to travel and how it offers a genuine choice of transport modes, recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.~~

**Appendix 1: Turley Assessment of Sites included
within Topic Paper 4: Older Person
Accommodation**

2547

Site Allocations DPD: Main Modifications Response

Main Modification: MM3

ID: 2547
Response Ref: 2547/1/MM3
Respondent: Simon Turpin
Organisation: Medireal Real Estate Solutions
On Behalf Of:

[REDACTED]

From: [REDACTED]
Sent: 21 January 2022 18:54
To: Policy Consultation
Subject: FW: Site Allocations Development Plan Document, Main Modifications (MM) Consultation - Response
Attachments: DOC210122-21012022160545.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from [REDACTED] [why this is important](#)

Dear sir/madam,

Please see attached our response to the above consultation, the deadline for receipt of which being 23.59 on 24th January 2022.

Please note that a hardcopy of this document and appendices has been posted to the address given on the MSDC website, by recorded next day delivery.

We would be grateful for the courtesy of a confirmation of safe receipt email back from you.

Regards

MediReal Limited

[REDACTED]

Planning Policy,
Mid Sussex District Council,
Oaklands,
Oaklands Road,
Haywards Heath,
RH16 1SS

19th January 2022

PLANNING CONSULTATION RESPONSE FOR THE INSPECTORATE

BY REGISTERED POST & EMAIL – policyconsultation@midsussex.gov.uk

Dear Sir/Madam,

Site Allocations Development Plan Document, Main Modifications (MM) Consultation - Previously Developed Land (PDL) at Tulleys Farm, Turners Hill Road, Turners Hill, West Sussex

Please see below our response in respect of the above 19-acre piece of land (the site), approximately 10 acres of which is PDL, to provide specialist accommodation for older people within Mid Sussex, specifically for an Integrated Retirement Community (IRC) as per proposed new policy MM3, this being land that is available and deliverable, for a much needed resource in the area.

For the avoidance of doubt, construction of buildings would only take place on the PDL (further details below), the remaining land would be landscaped to enhance quality of life and promote wider biodiversity be that as meadow, garden or indigenous woodland.

We don't know how familiar the reader will be with what an IRC is and so set out below answers to questions that hopefully address the queries you may have, followed by appendices providing additional information and details in respect of the site.

1. What is an IRC?

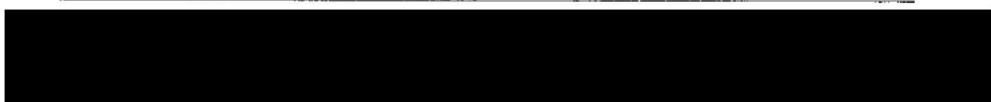
An IRC falls within Use Class C2 and we can do no better (to describe what an IRC does) than refer the reader to the explanatory video on the Associated Retirement Community Operators (ARCO) Trade Body website, see link below;

<https://www.arcouk.org/what-retirement-community>

2. How many people would live here?

IRCs usually range between 120 – 180 accommodation units and based on operators' occupational data, 63% of residents are couples and 37% are single occupiers.

This in turn means that the average occupancy is 1.3 persons per unit, so if we assume the midpoint (of 150 accommodation units) this IRC would provide good quality, needs appropriate accommodation for 195 older people.



3. Approximately how many staff/jobs would an IRC create?

A 150-unit IRC, once fully complete, will directly employ approximately 30 to 35 staff in a range of roles including management and administrations, catering, housekeeping, gardeners, maintenance, gym instructor and hairdresser.

In addition, there will be carers (employed by care providers) providing care to residents, as well as sales staff. Staff presence is generally 24/7 on site providing safety and security.

4. What different accommodation units would there be?

IRCs usually have a mix of one, two and or three-bedroom units, which are all designed to be occupied by individuals or couples alike, with the single units having sufficient space for double beds within the bedrooms.

Based on our knowledge of the market the current ratios are around the follow percentages:

- 1 Bed – 38%
- 2 Bed – 55%
- 3 Bed – 8%

5. Are these houses/cottages or apartments?

This very much depends on the location and local demographic and wealth. Typically, an IRC provides a range of living units for residents to choose from, but generally consist of a mix of apartments, 2 storey cottages & single storey bungalows.

Apartments are either located within the main central building, close to communal facilities or within apartment buildings. The number of units per building and number of storeys are very much site dependant and impacted by local demand/affordability.

6. What would the likely total built floor area be?

The following is based on schemes we have recently had dealings with and is indicative and subject to site appraisals.

Type		No	Area (SQ.M)	Area (SQ.M)
1 bed	37.0%	56	75.00	4,200
2 bed	55%	82	110.00	9,020
3 bed	8.0%	12	155.00	1,860
	Total Units	150	Total Accommodation	15,080
Ancillary / Circulation				3,770
			Total Accommodation	18,850

7. What are the different levels of care that are provided?

Residents usually receive a full care assessment on entry and this forms the basis of their own, bespoke, care package.

Care packages are designed to cater for the maturing needs of individual residents. This includes not only diagnostic care and 'on-site nursing' as may be required, but also more specialist areas such as counselling and psychological support, respite care and 'living needs' associated with home supervision.

Each residential unit has integrated technology to provide real time 24-hour monitoring and visual communication. This provides for better standards of diagnosis and treatment and monitoring of resident's needs. It also provides residents with security for their wellbeing and is part of the creation of an environment that is purpose-designed for older people.

Whilst IRC's are designed to allow the provision of care as far as it is safe to do so. If a resident has greater or specialist care requirements that cannot be accommodated within the development (i.e. advanced dementia / Alzheimer's) then assistance is provided in finding alternative accommodation, that properly fulfils their needs.

Following the identified Main Modifications the Site Allocations Development Plan Document contains the following policy:

SA39: Specialist Accommodation for Older People and Care Homes

There is an identified need for specialist accommodation for older people comprising at least 665 additional extra care units (Use Class C2) by 2030, of which at least 570 should be leasehold. The Housing and Economic Development Needs Assessment Addendum (August 2016) identified forecast demand for care homes (Use Class C2) at 2031 as 2,442 bedspaces. The Council will support proposals that will contribute to meeting these types of specialist accommodation.

Proposals for specialist accommodation for older people and care homes will be supported where:

- a) It is allocated for such use within the District Plan, Site Allocations DPD or Neighbourhood Plan; or*
- b) It forms part of a strategic allocation; or*
- c) It is located within the Built-Up Area Boundary as defined on the Policies Map; or*
- d) Where the site is outside the Built-Up Area, it is contiguous with the Built-Up Area Boundary as defined on the Policies Map and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy (policy DP4).*

In all circumstances, the site must be accessible by foot or public transport to local shops, services, community facilities and the wider public transport network. Proposals must demonstrate how reliance on the private car will be reduced and be accompanied by a Travel Plan which sets out how the proposal would seek to limit the need to travel and how it offers a genuine choice of transport modes, recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Accordingly this site is formally put forward for allocation to meet the need for specialist accommodation for older people under Class C2.

So to conclude the recent Public Inquiry (for this site) confirmed it to be "reasonable walking distance to edge of settlement" and "not to be a valued landscape".

There is Bus stop adjoining the site and please see attached (at Appendix C below) a preliminary travel note/plan to be update when planning application, that our professional advisor has produced, to conform with the proposed requirements of new policy MM3.

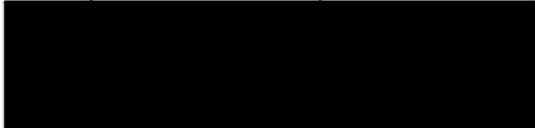
In addition, we would propose that a doctor's office/workstation be provided on site and the creation of a shop as well, for use by the residents and staff.

We note that there is a presumption in favour of development of PDL and our legal team and planning advisors have confirmed that they would be willing to meet your requirements.

Accordingly, we hope the above and appendices below, provide you with the information you require and will assist justify your response, after full consideration.

If you have any further queries, then please contact our Mr Simon Turpin MRICS by email simon@medireal.co.uk or telephone 07957 570670.

Yours, for and on behalf of,



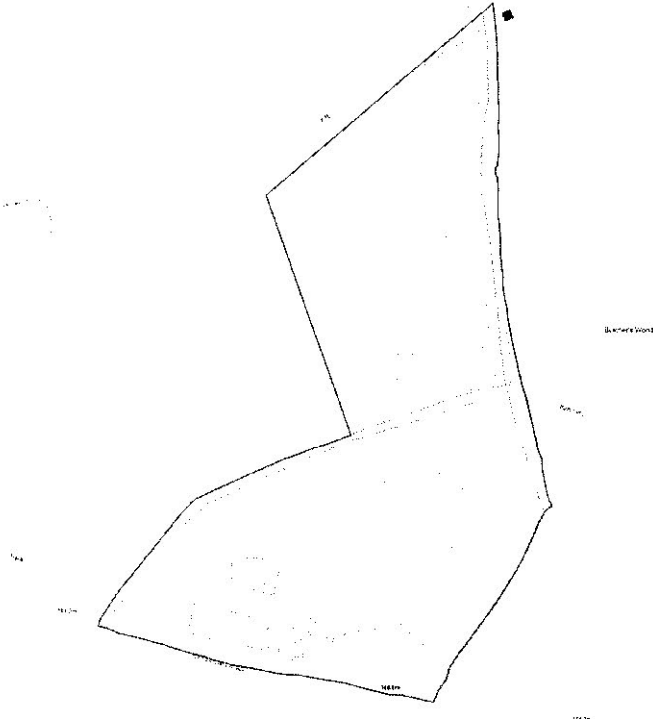
Appendix A – Indicative Site Location Plan

Done

45 of 45

Local.pdf

Open in PRINT 



Appendix B - Register of Local Land Charges/Planning Permissions

Mid Sussex District Council
 Customer
 Customer Road
 Haywards Heath
 RA11 1SS



REGISTER OF LOCAL LAND CHARGES OFFICIAL CERTIFICATE OF SEARCH

Search Reference: 0403221
 Date: 22-Dec-2021
 App Ref: Start/Plan Listed



Official Search required in all parts of the Register of Local Land Charges for subsisting restrictions against the land described and its plan submitted.

Land: Lot 1 of Putney Farm
 Turners Hill Road
 Turners Hill
 West Sussex

Additional Land At/On Reference 023456 135544 Turners Hill Road Turners Hill
 Land At/On Reference 023456 135555 Turners Hill Road Turners Hill

It is hereby certified that the search requested above reveals the following restrictions described in the Schedule(s) herein up to and including the date of this certificate.

Signed:



Tom Clark
 Head of Regulatory Services
 On Behalf of Mid Sussex District Council
 Date: 22 December 2021

Page 1 of 1

Form: M2531

044 203221

Mid Sussex District Council

Register of Local Land Charges
 Schedule to Official Certificate of Search

Part 3: Planning Charges (All Other planning charges)			
Change planning reference to planning application	Issuing Authority	Place where relevant documents may be inspected	Date of Registration
Mid Sussex District Council			

Done

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** C1: Search Reference: 04825/21

Date: 22/12/21

Mid Sussex District Council **Register of Local Land Charges**
Schedule to Official Certificate of Search

Part 3: Planning Charges (b) Other planning charges			
Description of charge (including reference to appropriate statutory provision)	Originating Authority	Place where relevant documents may be inspected	Date of Registration
The district of Mid Sussex (Area of Special Control of Advertisements) Modification Order 1992. Published 15/09/1992. Confirmed by Secretary of State 02/08/1995. PR/00140/ASCA TLC Ref: PT402597	Mid Sussex DC	Mid Sussex DC	02/08/1995
Planning Obligation by way of Deed of Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) LOCATION: Land North of Turners Hill Road, Turners Hill MSDC LEGAL REF: PL13 - 003462 PR/04410/PLAG TLC Ref: PT436189	Mid Sussex DC	Mid Sussex DC	23/09/2021
Application Number: DM/15/1035 Conditional Planning Permission under the Town and Country Planning Act 1990 Full Application Decision: Permission Dated: 11/09/2015 Change of use to natural burial ground and the erection of a reception building with associated access, parking and landscaping (Additional supporting information received 11 June 2015). Land Parcel North Of Turners Hill Road Turners Hill West Sussex TLC Ref: AP261427	Mid Sussex DC	Mid Sussex DC	11/09/2015

Page 1 of 6

Description of charge (including reference to appropriate statutory provision)	Originating Authority	Place where relevant documents may be inspected	Date of Registration
Turners Hill West Sussex TLC Ref: AP356299			
Application Number: DM/19/5100 Conditional Planning Permission under the Town and Country Planning Act 1990 Outline Application Decision: Permission Dated: 02/03/2020 Outline application for construction of a barn/workshop for the storage and maintenance of operational vehicles. All matters reserved except for access, appearance, layout and scale. Land At Turners Hill Burial Ground Turners Hill Road Turners Hill West Sussex TLC Ref: AP356292	Mid Sussex DC	Mid Sussex DC	02/03/2020
Application Number: DM/20/1557 Reserved Matters Application Decision: Permission Dated: 08/07/2020 Reserved Matters application for the approval of the landscaping for the construction of a barn/workshop for the storage and maintenance of operational vehicles.	Mid Sussex DC	Mid Sussex DC	08/07/2020

Page 4 of 6

LLC1: Search Reference: 04825/21

Date: 22/12/2

Date

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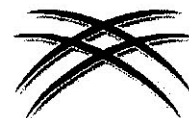
Description or charge (narrowing reference to appropriate statutory provision)	Originating Authority	Place where relevant documents may be inspected	Date of Registration
7 of 15 Allowing outline application DM/19/5100. Land At Turners Hill Burial Ground Turners Hill Road Turners Hill West Sussex TLC Ref: AP410875			
Application Number: DM/21/0014 Full Application Decision: Permission Dated: 08/03/2021 Proposed chapel building including basement, internal site access road and associated landscaping within natural burial ground. (Renewal of planning consent DM/18/0977). Turners Hill Burial Ground Turners Hill Road Turners Hill West Sussex TLC Ref: AP422338	Mid Sussex DC	Mid Sussex DC	08/03/2021
Application Number: DM/20/2877 Outline Application Decision: Refusal Dated: 24/06/2021 Outline application for single chapel crematorium with a single abated cremator and natural burial site with associated access, car parking, landscaping and drainage. All matters reserved apart from access.	Mid Sussex DC	Mid Sussex DC	24/06/2021

LLC1: Search Reference: 04825/21

Date: 22/12/21

Mid Sussex District Council	Register of Local Land Charges Schedule to Official Certificate of Search
Part 3: Planning Charges	

Appendix C – Travel note/plan (to be updated when planning application is made).



1.0 INTRODUCTION

- 1.1 Highway Planning Ltd have been instructed by Medireal to provide a transport overview in respect of a potential development of the site to provide a Integrated Retirement Community.
- 1.2 The site was the subject of a S78 appeal by a public inquiry into the proposed development of a crematorium and natural burial site. The Inquiry was held on 11th – 13th May 2021 and the Inspector's decision was issued on 23rd June 2021 (see Appendix 1).
- 1.3 The determination of the appeal is the most recent and relevant planning decision on the site and the Inspector's decision letter carries considerable weight.
- 1.4 In due course, at the planning application stage, a detailed travel plan will be submitted to support and enhance the sustainable travel credentials of the site's location.

2.0 SITE LOCATION AND PROPOSED DEVELOPMENT

- 2.1 The site is located on the north side of Turners Hill Road and approximately 475m west of the junction between Turners Hill Road and the B2110 Paddockhurst Road. To the west of the site is Tulleys Farm Maze Park and the site of the consented Burial Ground that is currently being developed.
- 2.2 Turners Hill Road is a classified local distributor road that links the village of Turners Hill to the east side of Crawley. In the vicinity of the site frontage it is subject to the National speed limit. This changes to a 30mph speed limit approximately 220m to the east of the site.



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- 2.3 There is a footway on the south side of Turners Hill Road that links the centre of the village to Turners Hill C of E primary School and St Leonards Church. As part of previous planning consents, there is a footpath link (which runs parallel to Turners Hill Road) from the site to Turners Hill Road with an approved crossing point to link with the existing footway.
- 2.4 The potential proposals for the site include the creation of a 150 unit Integrated Retirement Community with a range of 1, 2 & 3 bed units and with associated support facilities. The Integrated Retirement Community here would incorporate a shop and doctors centre. The agent has confirmed that that a private bus service will be available to residents should that be required. A typical Integrated Retirement Community of around 150 units, once fully complete, will directly employ approximately 30 to 35 staff in a range of roles including management and administrations, catering, housekeeping, gardeners, maintenance, gym instructor and hairdresser. There will be carers (employed by a care providers) providing care to residents, as well as sales staff. Staff presence is generally 24/7 on site providing safety and security.

3.0 HIGHWAY CONSIDERATIONS

- 3.1 The Local Planning Authority has provided an initial pre-application response in respect of the proposals and issues have been raised in respect of the accessibility of the location of the site.
- 3.2 As part of the Inquiry into the proposed crematorium development the local planning authority withdrew its objections and recommended that the appeal should be allowed. The Inspector, nonetheless, was required to consider issues raised by third parties and, in doing so, has provided detailed comments on the accessibility (and traffic impact) of the development of the site.



3.3 In paragraph 15 of her decision letter the Inspector sets out her understanding of the traffic activity that the proposed crematorium would have generated. This amounted to 304 daily traffic movements (2-way) which would be generated by up to 8 services per day. The majority of this traffic activity would occur outside of the peak traffic periods on the local road network. The traffic matter was summarised in paragraph 19,

“There is no objection from the local highway authority to the scheme and in the absence of any technical evidence to demonstrate otherwise I conclude that the proposed development would neither harm highway safety nor result in an unacceptable increase in traffic flows and congestion.”

3.4 The Inspector considered the matter of accessibility in paragraphs 25 and 27. In paragraph 25 the Inspector cites paragraph 85 of the NPPF (previously paragraph 84 at the time of the Inquiry) which identifies that community facilities in rural areas may have to be found in locations that are not well served by public transport. Paragraph 85 goes on to stress that,

“it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads, and exploits any opportunities to make a location more sustainable.”

3.5 The Inspector summarises the accessibility of the site in paragraph 27 as follows,

“I have found above that the proposal would be sensitive to its surroundings and would not have an unacceptable impact on local roads. Furthermore, the proposal would exploit an opportunity to make the location more sustainable by providing a footpath between St Leonard’s Church and the site. This would enable mourners to walk from the church to the site without necessitating the need to walk or



drive on the carriageway of Turner's Hill Road, making it within a reasonable walking distance of the edge of the built up area of Turner's Hill."

- 3.6 There is no ambiguity in the Inspector's conclusions and the improvement to sustainability that comes from the provision of the footpath link is not restricted solely to the use of the site as a crematorium. Any development of the site that delivers and maintains the footpath link must be seen as "exploiting an opportunity to make the location more sustainable."
- 3.7 The potential development of an Integrated Retirement Community will have specific transport and traffic implications. It is generally accepted that facilities for the elderly (care homes, nursing homes, Integrated Retirement Communities) are low traffic generators as the majority of residents do not drive. The primary traffic generators will be staff and, to a lesser degree, visitors. The proposed crematorium would generate up to 304 traffic movements per day and this is a high baseline that is unlikely to be exceeded by an Integrated Retirement Community. The precise traffic generating profile of the proposals will be assessed in due course as the details of the scheme evolve.
- 3.8 In a similar way, it is important to determine that staff, some residents and visitors will have access to the village facilities and public transport. This will be enhanced by the provision and maintenance of the footpath which was acknowledged by the Inspector. It is important to stress the approach advocated by paragraphs 85 and 105 of the NPPF which make a distinction between the sustainability credentials of urban and rural locations.
- 3.9 The detailed proposals for the Integrated Retirement Community will include a travel plan that will be focussed primarily at staff travel habits and which will also assist with travel for visitors. The travel plan will follow the Council's framework for travel planning documents and will



enable the development to further enhance the sustainability of the location.

4.0 CONCLUSIONS

4.1 The appeal decision in June 2021 provides the most up to date consideration of the transport and traffic considerations of developing the site. As there have been no policy changes (other than an update of the NPPF) since the appeal decision the conclusions reached by the Inspector are relevant and constitute current case law.

4.2 A development of the site for a Integrated Retirement Community would *exploit an opportunity to make the location more sustainable by providing a footpath between St Leonard's Church and the site*. This is wholly compliant with the NPPF and underlines the suitability of the site for this form of development. From a sustainability and transport point of view and making the best use of PDL, this meets the requirement of a site for specialist accommodation for older people in Mid Sussex and is deliverable in the immediate future. A full transport statement can be provided when the principle of site is approved.



Land north of Turners Hill Road, Turners Hill, West Sussex
TRANSPORT NOTE

JANUARY 2022

APPENDIX 1



Appeal Decision

Inquiry held on 11-13 May 2021

Site visit made on 17 May 2021

by **Siobhan Watson BA(Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/D3830/W/21/3266563

Land north of Turners Hill Road, Turners Hill, West Sussex

Grid Ref: 533875 135409

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Aidan Beckford (Hartmires Investments Ltd) against the decision of Mid Sussex District Council.
 - The application Ref DM/20/2877, dated 3 August 2020, was refused by notice dated 21 December 2020.
 - The development proposed is single chapel crematorium with a single abated cremator and natural burial site with associated access, car parking, landscaping and drainage.
-

Decision

1. The appeal is allowed and outline planning permission is granted for a single chapel crematorium with a single abated cremator and natural burial site with associated access, car parking, landscaping and drainage on land at Turners Hill Road, Turners Hill, West Sussex in terms of the application, Ref DM/20/2877, dated 3 August 2020, subject to the conditions contained within the Schedule at the end of this decision.

Preliminary Matters

2. The appeal proposal is for outline planning permission with all matters reserved for future approval with the exception of access. Whilst not formally part of the scheme, I have treated details relating to appearance, landscaping, layout, and scale as being for illustrative purposes.
3. In light of the appellant's appeal evidence, on the third day of the Inquiry, the Council chose not to pursue its reason for refusal and stated that its position is now that planning permission should be granted. This changed position was delivered orally and in writing by the Council's advocate.
4. Nevertheless, I have written representations to the appeal scheme both supporting and objecting to the proposal. I have taken all these representations into account and I will address the objectors' representations in this decision.

Main Issue

5. In light of the eventual extent of common ground between the Council and appellant, the main issue is whether there are any other considerations that might indicate that the appeal should be dismissed.

Reasons

6. Concern has been expressed locally in respect of several considerations. These include the effect on the character and appearance of the area; the need for the crematorium; air quality; highway safety; development plan policy and the National Planning Policy Framework (the Framework) in respect of development in the countryside; wildflowers; noise and pollution; and concerns that a permission for a crematorium would set a precedent for the construction of a housing estate.

Character and Appearance

7. Planning permissions have accumulated on the site for a natural burial ground, a chapel, a reception building, maintenance building and car parking. Most have been lawfully implemented at considerable expense to the appellants. Therefore, I give the fallback position considerable weight.
8. I recognise that the proposed scheme would result in a significantly larger developed area than that which already has permission. The proposed development would be apparent from the site entrance, from within the site itself, and, to some extent, from the public right of way (PROW) alongside the site. The PROW could be substantially screened by a hedgerow, which would be typical of the landscape character of the area, but this would take time to grow. The fall-back scheme would still have an impact from these viewpoints but it would be less from the PROW and from within the site.
9. Nevertheless, the proposed crematorium, which would replace the consented chapel, would be further from the access from the highway, on lower ground than the approved site of the chapel, and it would have a significantly lower roof height. A parameters plan serves to restrict its siting and height and a planning condition could restrict its floorspace, all of which, would be subject to reserved matters approval.
10. The appeal site is not a valued landscape under the terms of the Framework and no designation for landscape quality or character applies to the appeal site. Given that some of the previous approvals have been implemented, part of the site is previously developed land.
11. The approved chapel would be substantially more visible in views from both the High Weald Area of Outstanding Natural Beauty (AONB) and Turners Hill Road than the appeal proposal as it would be a higher building and much closer to the road than the crematorium would be. Parking for the approved chapel would also be close to and visible from the site entrance, whereas, the main car parking area for the proposed scheme is indicated to be further from the entrance on lower land and it could be screened by intervening planting.
12. For these reasons, the appeal scheme would have more of a visual impact from within the site but significantly less of an impact on the wider landscape, including views from the AONB and Turners Hill Road than would the permitted chapel scheme. The substantial reduction of the impact in those long-range views brought about by the appeal proposal over the permitted chapel outweighs the proposed increased developed area of the site.
13. Taking into account the fallback position, I consider that the appeal scheme would not harm the character or appearance of the area. There would be no conflict with Policy LP DP 12 which seeks to protect and enhance the

countryside, Mid Sussex District Plan 2014-2031¹ (LP) DP16 which seeks to protect the setting of the AONB, or LP DP26 which indicates that development should be sensitive to the countryside. Neither do I find direct conflict with the aims and objectives of Turner's Hill Neighbourhood Plan (NP) Policy THP8 which also seeks to protect the countryside.

Highway Safety

14. Representations have been received from objectors that the proposal would increase congestion on the B2110 and at the crossroads in Turner's Hill; that the bends in the road are treacherous and there have been lots of accidents.
15. The Council confirmed that the proposed access has the necessary visibility splays for egressing drivers. It also agrees that forward visibility for drivers turning into the site is acceptable. The appeal scheme is expected to attract an average of 38 two-way vehicle movements per service, with no more than eight services per day. The most popular slots for funerals are outside of peak traffic flows and there would be no services before 9am or after 5pm. There is no technical evidence that the proposal would be hazardous around the site access.
16. The accident data for two off-site junctions of the B2110 Paddockhurst/Turners Hill Road and the B2208/B2210 crossroads reveals one accident at the former and 5 at the latter. It is thought by the appellant's highway consultant that these may be due to driver behaviour or external abnormal factors. The Council has not disagreed with this assessment.
17. Therefore, there is no substantive evidence that the local roads are unsafe and as the traffic flow would be increased by only a small amount as a result of the proposed development, there would not be a significant increase in the risk of accidents.
18. In respect of congestion, the uncontested evidence of the appellant indicates that the increase in flows on weekday and Saturday inter-peak flows on Turners Hill Road would be 5% and an even smaller increase through Turners Hill village.
19. There is no objection from the local highway authority to the scheme and in the absence of any technical evidence to demonstrate otherwise I conclude that the proposed development would neither harm highway safety nor result in an unacceptable increase in traffic flows and congestion.

Need

20. Drive times to cremations would not be significantly reduced, given that the existing crematorium is about 4 miles from the appeal site. However, there would be a small improvement for some of the catchment population.
21. The issue of capacity is more complex. Whilst there may currently be enough slots to accommodate funerals at the Surrey and Sussex (S&S) crematorium, I heard that many of these slots are unpopular as they are early or late in the day which is inconvenient for people travelling to attend funerals. Furthermore, funerals involve many different people such as the funeral director, minister, family and friends who all need to be accommodated at a mutually convenient

¹ Adopted March 2018

time. All of this reduces the number of suitable slots that can be chosen. In any event, the Council's evidence suggests that capacity at S&S might be reached by 2027. Given that reserved matters, the discharge of conditions and the construction period would take some time, the difference between the earliest date the crematorium could be used and the capacity date would not be substantial.

22. In addition, the evidence from the appellant is that there are funeral delays at the S&S crematorium. A survey of 194 obituaries identified average delays between death and cremation of over 3 weeks with an average of 44% of funerals delayed longer. The worst months were the peak winter to spring period. Furthermore, it is proposed that the appeal crematorium would have hour long slots between cremation services so that mourners would not be rushed and be mixing with other funeral parties, resulting in a calmer experience.
23. The proposed crematorium would give greater flexibility and choice of funeral times to mourners. Whilst this is particularly important in some religions and cultures which require a short time between death and cremation, it would benefit all mourners to have more choice and to avoid long delays.
24. Given the above, I consider that even if the existing crematoria can currently and technically provide enough slots, the proposal would constitute a beneficial community facility by giving more choice to mourners, both in terms of the type of facility, the quality of the experience and a greater availability of convenient slots.

Paragraph 84 of the Framework and LP Policy DP 25

25. Framework paragraph 84 indicates that sites to meet community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It says that in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads, and exploits any opportunities to make a location more sustainable. It goes on to say that the use of previously developed land and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
26. The proposal would serve both urban and rural communities. It is common ground between the two main parties that legislative constraints deriving from the Cremation Act 1902 indicate that countryside locations are more likely to be required for new crematoria than urban locations.
27. I have found above that the proposal would be sensitive to its surroundings and would not have an unacceptable impact on local roads. Furthermore, the proposal would exploit an opportunity to make the location more sustainable by providing a footpath between St Leonard's Church and the site. This would enable mourners to walk from the church to the site without necessitating the need to walk or drive on the carriageway of Turner's Hill Road, making it within a reasonable walking distance of the edge of the built up area of Turner's Hill. Furthermore, the scheme would make use of land that is previously developed in part. Therefore, I find no conflict with Paragraph 84 of the Framework.

28. LP Policy DP 25 provides support to community facilities and local services. Crematoria are not included in the list of such facilities but the policy does not indicate that the list is exhaustive. The policy says that such facilities and services will be identified through neighbourhood plans or a site allocations development plan document. The site and facility is not identified in such a way but the evidence I have read and heard persuades me that it does constitute such a service and facility.

Air Quality

29. Interested parties raised concerns about air pollution from both traffic and the cremator, with particular regard to the effect on children, including pupils at the nearby primary school.
30. The site is not in or near an Air Quality Management Area. The appellant submitted evidence from environmental consultants which comprised a review of the existing background concentrations in the vicinity of the site and detailed modelling emissions. The findings of the air quality assessment indicated that there would be no significant impacts regarding either the emissions from the crematorium plant or from the traffic associated with the operation of the crematorium.
31. In accordance with the Environmental Permitting (England & Wales) Regulations 2016, an Environmental Permit from the Environment Agency would be required to operate the facility. This would incorporate measures to minimise and control emissions and ensure there would be no significant adverse impacts. On this basis, the Council's Environmental Health Officer raised no objection to the proposal.
32. No technical evidence was provided by interested parties in this respect and I am satisfied from the evidence of both main parties that air quality would not be unacceptably affected.

Noise

33. The closest noise sensitive receptor (NSR) in the vicinity of the site is St Leonards Church which is about 230m from the site boundary. Based on the projections of traffic attracted to the site, the appellant's noise report indicates that there would be a change of less than 1 dB at the NSR which would be imperceptible.
34. It is expected that music within the chapel/crematorium would be at a low volume and enclosed within the building itself so that it would not be perceptible at the nearest NSR. The noise data provided by the appellant indicates that the internal fixed plant of the crematorium would operate at less than 55 dB(A) just outside the roller shutter doors of the plant room. The only other external plant would be the 'Dry Air Cooler' which is rated at 37 dB(A) at 20m. Considering the 58m distance between all the plant and the nearest footpath (No 68W), cumulative noise levels would be less than 28 dB(A). This noise level is below the guidance limit inside a bedroom at night (WHO/BS8233 noise limit of 30 dB(A)) and therefore likely to be well below the existing daytime noise climate at the nearest footpath and at the much more distant dwellings.
35. There was objection in relation to noise in combination with Tulley's Shocktoberfest. This is an event held in October at Tulley's Farm which

neighbours the appeal site. However, given the distance to the nearest NSR and the limited noise emanating from the proposed development, it is unlikely that there would be any combined effects on noise levels as a result of the proposed Crematorium and the Shocktoberfest event.

36. I therefore conclude that there would not be an unacceptable level of noise from the site and, in this respect, there would be no harm to the character of the area or to the living conditions of residents in the wider locality.

Wildflowers

37. A preliminary ecological appraisal report was submitted with the planning application. A desk-based study was undertaken to examine published information and biological records from within the search area (site centroid plus 1km). The desk study established that there are two statutory protected wildlife sites (a Site of Special Scientific Interest (SSSI) and an Area of Outstanding Natural Beauty (AONB)), and two non-statutory sites of local importance (a Local Wildlife Site and a Local Geological Site)) within the desk study search area.
38. The desk study also looked at records of protected/notable habitats/species within the site and its surrounding area. This information was collected from MAGIC² and Sussex Biodiversity Records Centre. A survey of the site was also undertaken by an ecologist.
39. There are records within the desk study search area of Bluebell (*Hyacinthoides non-scripta*) and Small-flowered Sticky Eyebright (*euphrasia officinalis* subsp. *Anglica*) but no rare or protected species of flora were recorded within the site itself. Based on the habitat types present on the site, which comprise improved grassland, tall ruderal and scrub, it is considered unlikely that these are present. As a result, botanical species are not considered to present a constraint to the development proposals.
40. Moreover, landscaping is a reserved matter and the Council would have the opportunity to agree flower planting with the developer. In addition, a planning condition has been agreed between the parties to secure native wildlife habitat enhancement planting.
41. I conclude that the proposed development would not have any significant adverse effects on wildflowers.

Housing

42. A housing estate would be a very different development to the appeal scheme and it would be considered under different policies. All applications and appeals must be determined on their own particular merits. Therefore, a grant of planning permission for the crematorium, burial ground and its associated development would not set a precedent for housing on the site.

Other Matters

43. In the event that planning permission were to be granted and implemented a unilateral undertaking pursuant to Section 106 of the Act has been submitted. There are obligations covering 3 areas: the prevention of development granted by other planning permissions on the site being undertaken in combination with

² Multi-agency Geographic Information for the Countryside

the appeal development; the management and maintenance of the existing footpath from St Leonard's Church to the site; and highway works.

44. I have considered the unilateral undertaking in light of Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) and Government policy and guidance on the use of planning obligations.
45. It is necessary to prevent the appeal scheme being implemented in combination with other planning permissions as I have considered the appeal proposal on the basis that the approved chapel would be replaced by the crematorium building. Implementing a mixture of the other approvals would have a different effect upon the locality to implementing the appeal scheme on its own.
46. The maintenance and management of the footpath is necessary to provide a safe walking route from the church and to encourage sustainable transport choices.
47. The Highway Works comprise the provision of roadway signage in the form of additional SLOW markings and transverse contrasting asphalt strips on the approach to the B2028/B2110 crossroads. These crossroads are some distance from the appeal site and given that I have found that the increase in traffic movements arising from the development on Turners Hill Road would be very low, with an even smaller increase through Turners Hill village, I do not consider that the road markings are necessary to make the development acceptable.
48. Therefore, only the obligations relating to the implementation of other permissions and the maintenance of the footpath are directly, fairly and reasonably related to the proposed development and necessary to make it acceptable in planning terms. The contribution towards the off-site highway works does not pass the relevant tests and it would be unlawful for me to take it into account.

Conditions

49. The Council and the appellant agreed a list of draft conditions. I have considered these against the Planning Practice Guidance on the use of conditions and made amendments accordingly.
50. In addition to the standard implementation conditions, it is necessary to define the plans in the interests of certainty. In the interest of highway safety and to protect the tranquil character of the area, it is necessary to require a construction and environmental management plan and to restrict the hours of construction. In the interest of the protection of ecology, conditions relating to a habitat buffer zone, planting, and external lighting are necessary. A condition is required to secure the satisfactory drainage of the site in the interest of public health and the avoidance of flooding. I have not imposed separate foul water drainage condition as this is controlled under Building Regulations. The site has archaeological significance so I have imposed a condition requiring a programme of archaeological investigation. Conditions are necessary in respect of a fire hydrant, land contamination and air emissions in the interest of health and safety. Conditions in respect of the provision of the access and parking are necessary in the interest of highway safety. In the interest of environmental amenity a condition is necessary in respect of the management of waste. The

floorspace of the crematorium building is restricted in the interest of the character and appearance of the area. Conditions in respect of intervals between services, and a limitation on the number of services / hours of operation are required in the interest of the character of the area and to limit traffic during peak hours. A condition in respect of the footpath outside of the application site but under the appellant's control is necessary to ensure that pedestrian access is maintained in the interests of safety and sustainable travel choices.

Conclusion

51. I conclude that the proposal is acceptable and I find no conflict with the development plan as a whole. Even if there were conflict with the development plan, the proposed scheme would have a less harmful impact on the character and appearance of the countryside than the fallback position. This factor in itself, and in the absence of any other harm, justifies allowing the appeal. I therefore allow the appeal subject to the conditions in the attached schedule.

Siobhan Watson

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

██████████ BSc(Hons) MTPL MRTPI, Senior Planning Officer, Mid Sussex District Council (Planning)

Emma Dring, of Counsel

She called:

Stuart Tyder, Ryder Landscape Consultants (Landscape)

John Dodsworth BA(Oxon), Beacon Dodsworth (Need and Benefits)

FOR THE APPELLANT:

Lisa Jackson⁴ BSc(Hons) MA MRTPI, Managing Director, Lisa Jackson Planning (Planning)

Andrew Tabachnik QC, instructed by Mark Brassey of Mid Sussex District Council

He called:

Mark Gibbins BA(Hons) MLI, Director, Indigo Landscape (Landscape)

Peter Mitchell FICCM(Dip), Peter Mitchell Associates (Need and Benefits)

Matthew Last BEng(Hons) MCIHT, Director, Ardent (Highways)

INTERESTED PARTIES:

Cllr Ian Gibson, Ward Councillor, Crawley Down and Turners Hill

DOCUMENTS submitted at the Inquiry

A1. Revised suggested conditions

A2. Parameters Plan 917-GA-02 B

A3. Draft unilateral undertaking

C1. Note on the Local Planning Authority's withdrawal of objection

DOCUMENTS submitted after the Inquiry

C2. CIL Compliance Statement

A4. Signed and dated unilateral undertaking

³ Andy Watt was not called to give evidence because the Council withdrew its objections but she was involved in the roundtable discussion of conditions and the unilateral undertaking.

⁴ Lisa Jackson as footnote 3 above.

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Indigo Landscape Architects Parameters Plan 917-GA-02B; Indigo Landscape Architects Location Plan 17-GA-03A; Ardent Proposed Site Access and Swept Path May 2020 190561-001-Rev-F
- 4) No development shall take place until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall include the following matters:
 - an indicative programme for carrying out of the works;
 - the anticipated number, frequency and types of vehicles used during construction;
 - the method of access of vehicles during construction;
 - the parking of vehicles by site operatives and visitors;
 - the loading and unloading of plant, materials and waste;
 - Delivery hours;
 - arrangements for the storage of plant and materials used in the construction of the development;
 - the erection and maintenance of security hoardings, including decorative displays and facilities for public viewing, where appropriate;
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders where appropriate);
 - avoidance and mitigation measures to prevent harm or damage to wildlife and habitats;
 - measures to minimise the noise and vibration generated by the construction process. This shall include hours of work, proposed method of piling for foundations, the selection of plant and machinery and use of noise mitigation barrier(s);
 - measures to control the emission of dust and dirt during construction;
 - details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination; and
 - a construction waste management plan for recycling and disposing of waste resulting from construction works.
- 5) Prior to the commencement of development, the developer shall provide a 15m deep buffer zone, to be secured by temporary security fencing, to the hedges and watercourses along the site boundaries. The habitat within the buffer zones shall be maintained as existing and there shall be no access to these buffer zones during the construction process. Prior to the first use of the crematorium,

the fencing shall be removed and the buffer zones left as a natural area for wildlife thereafter.

- 6) Prior to the commencement of the development, details showing the location of one fire hydrant or stored water supply shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before development commences and connection to mains water shall be provided before the first use of the crematorium.
- 7) No development shall commence until the following details have been submitted to, and approved by, the local planning authority:
 - detailed proposals for wildlife habitat enhancement and long-term management including ecologically-appropriate species mixes and stock of native provenance and origin for naturalistic planting.
 - A minimum buffer zone of 15m from the edge of adjacent ancient woodland, to comprise a semi-natural habitat with new naturalistic planting to create a wildlife habitat.

The works shall be carried out in accordance with the approved details in the first planting season after the first use of the crematorium.

- 8) The development hereby permitted shall not commence until details of the proposed surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be brought into use until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.
- 9) No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 10) Any contamination that is found during the course of the construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 11) No cremations shall take place on the site until details of a scheme of mitigation measures to maintain air quality are submitted to and approved in

writing by the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the Air Quality and Emissions Mitigation Guidance for Sussex current at the time of the reserved matters application. The development shall be completed and thereafter maintained in accordance with the approved details.

- 12) No part of the development shall be brought into use until the site access has been constructed in accordance with the approved site plan in accordance with the approved plan, Site Access and Swept Path May 2020 190561-001-Rev-F and it shall remain thereafter.
- 13) Before the first use of the crematorium, the site will be laid out with a maximum of 111 parking spaces in accordance with plans to be submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall thereafter be retained at all times for car parking.
- 14) No construction or demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday).
- 15) No part of the development hereby permitted shall be occupied until details of the site waste management facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented in accordance with the approved details before the first use of the development hereby approved and thereafter retained.
- 16) Notwithstanding the indicative area marked for the siting of the building on the approved parameters Plan, No 917-GA-02 B, the floorspace of the crematorium building shall not exceed 600 square metres gross internal area. For the avoidance of doubt, this does not include any external areas, such as a porte cochere.
- 17) No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting shall be installed and maintained in accordance with the approved details.
- 18) No funeral services shall take place outside of the hours of 09:00 and 17:00 Monday to Saturdays and there shall be no more than 8 services per day. There shall be no services on Sundays or Bank Holidays.
- 19) Any service starting between 10.30am -3.30pm shall have a service interval of at least one hour.
- 20) No cremations shall take place on the site until a management plan securing the maintenance of the footpath from the site to St Leonard's Church is submitted to and approved in writing by the local planning authority and thereafter maintained in accordance with that schedule.

END