

Main Modification 9 - Index by ID Number

ID	ResponseRef	Name	Organisation	On Behalf Of
705	705/1/MM9	Oliver Bell	Nexus	Miller Homes
710	710/1/MM9	Richard Cobb	Natural England	

## Site Allocations DPD: Main Modifications Response

### Main Modification: MM9

**ID:** 7050

**Response Ref:** 705/1/MM9

**Respondent:** Oliver Bell

**Organisation:** Nexus

**On Behalf Of:** Miller Homes

<b>Name</b>	Oliver Bell
<b>Job title</b>	Director
<b>Organisation</b>	Nexus Planning
<b>On behalf of</b>	Miller Homes
<b>Address</b>	[REDACTED]
<b>Email</b>	[REDACTED]
<b>Name or Organisation</b>	Nexus Planning obo Miller Homes
<b>Which document are you commenting on?</b>	Site Allocations DPD - Main Modifications
<b>Main Modification (MM)</b>	MM1, MM7, MM8, MM9, MM10, MM11
<b>Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate</b>	Yes
<b>(1) Positively prepared</b>	Unsound
<b>(2) Justified</b>	Unsound
<b>(3) Effective</b>	Unsound
<b>(4) Consistent with national policy</b>	Unsound
<b>Please outline why you either support or object to the Main Modification?</b>	<p>Miller Homes control land south of Lewes Road, Haywards Heath ("the Site") (SHELAA ref. 844). The Site measures approximately 5 hectares, is available for development now and has an indicative capacity of 100 dwellings</p> <p>Main Modifications Ref. MM1, MM7, MM8, MM9, MM10 and MM11 cover a range of amendments to the Site Allocations Plan but principally relate ensuring the site allocations have suitable regard to their location within the High Weald Area of Outstanding Natural Beauty (AONB), having regard to the policies contained within the National Planning Policy Framework (NPPF).</p> <p>As outlined in our Matter 4 Hearing Statement we noted that the District Plan Inspector considered only "modest" housing schemes may come forward in the AONB and that "no evidence" existed to support major development in the AONB. We also outlined that Paragraph 172 of the NPPF (now para 176) states that "great weight should be given to conserving and enhancing landscape and scenic beauty in...Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues", that the scale and extent of development in the AONB should be "limited" and that major development in the AONB should be refused other than in "exceptional circumstances, and where it can be demonstrated that the development is in the public interest"</p> <p>The principal purpose of providing residual housing figures by settlement was to guide the preparation of neighbourhood plans.</p>

The use of settlement figures is much less appropriate in the context of preparing a District-wide site allocations document, as the settlement specific figures simply serve to unduly restrict the growth strategy despite, as the Council freely admit, not being robustly tested such that the figures are actually known to be deliverable.

It is accepted that the Site Allocations Plan should not simply allocate all sites in Category 1 settlements as allocations should broadly align with the spatial strategy set out in the District Plan, but only where it is sustainable to do so. Despite the aforementioned modifications to the Site Allocations Plan, we still do not consider that the overall scale of growth proposed in the AONB is justified, particularly when suitable, available and achievable sites exist on the edge of highly sustainable settlements outside of the AONB.

**Please set out what change(s) you consider necessary to make 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.**

Reduced growth around villages within the AONB and further growth at sustainable settlements outside the AONB.

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

**Please notify me when-The publication of the recommendations from the Examination** yes

**Please notify me when-The Site Allocations DPD is adopted** yes

**Date** 20/01/2022

## Site Allocations DPD: Main Modifications Response

### Main Modification: MM9

**ID:** 7100

**Response Ref:** 710/1/MM9

**Respondent:** Richard Cobb

**Organisation:** Natural England

**On Behalf Of:**

**From:** Cobb, Richard [REDACTED]  
**Sent:** 17 January 2022 15:41  
**To:** Policy Consultation  
**Subject:** Mid Sussex District Council Site Allocations DPD: Main Modifications Consultation - 375995  
**Attachments:** Natural England\_Mid Sussex Site allocations main modifications\_375995.pdf

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Dear Planning Policy Team,

Thank you for your consultation. Please see our response attached.

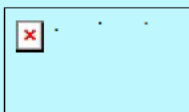
Kind regards  
Richard

Richard Cobb  
Senior Adviser | Sustainable Development  
Natural England | Sussex and Kent  
[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

Thriving Nature  
for people and planet

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**From:** Planning Policy - Mid Sussex District Council  
<[planning.policy.mid.sussex.district.council@notifications.service.gov.uk](mailto:planning.policy.mid.sussex.district.council@notifications.service.gov.uk)>  
**Sent:** 29 November 2021 15:00  
**To:** SM-NE-Consultations (NE) <[consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)>  
**Subject:** Mid Sussex District Council Site Allocations DPD: Main Modifications Consultation



## Mid Sussex District Council – Planning Policy

29th November 2021

# Site Allocations DPD: Main Modifications Consultation

Following hearing sessions held in June 2021, the Planning Inspector appointed to examine the Council's Site Allocations DPD has suggested modifications, which will now be subject to consultation.

The role of the Sites DPD is to set out how the Council plans to meet the District's outstanding housing and employment needs up to 2031. The Sites DPD recommends 22 housing and 7 employment sites at locations across Mid Sussex, plus a Science and Technology Park.

The independent Inspector appointed by the Secretary of State held hearing sessions in June 2021 and heard evidence from all interested parties. Following this the Inspector is suggesting a small number of modifications to the Sites DPD to ensure it meets legal and soundness requirements.

The proposed modifications are now subject to consultation which will run for 8-weeks from 29th November 2021 until 24th January 2022.

The schedule of Main Modifications and accompanying documents are available online at [www.midsussex.gov.uk/SitesDPD](http://www.midsussex.gov.uk/SitesDPD). The website also provides details on how to respond to the consultation.

Note that comments must be focussed only on the suggested modifications, which are put forward without prejudice to the Inspector's final conclusions. All representations will be taken into account by the Inspector who will aim to provide his final report for consideration by Council early in the new year.

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Date: 17 January 2022  
Our ref: 375995  
Your ref:



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

[policyconsultation@midsussex.gov.uk](mailto:policyconsultation@midsussex.gov.uk)

**BY EMAIL ONLY**

Dear Planning Policy Team,

**Site Allocations DPD: Main Modifications Consultation**

Thank you for your consultation on the above dated 29<sup>th</sup> of November which was received by Natural England on the same date.

**Overarching comments**

We welcome the stronger policy wording for environmental and landscape protection and enhancement that has been added throughout the main modifications including:

- The changes outlined in MM1 that make the allocation more sensitive to the High Weald AONB in terms of scale and design
- The reference to conserving and enhancing landscape and scenic beauty of the AONB, National Park and their settings (e.g. MM4, MM5, MM6, MM7, MM8, MM9, MM10, MM11, MM14)
- The greater emphasis on protecting and enhancing biodiversity and meeting Biodiversity Net Gain (BNG) (e.g. MM13, MM14, Appendix 1: MM5)
- The retention of trees (MM20) to recognise their important contribution to urban environments in line with the NPPF.
- The strengthening of the SANG policy within MM22 regarding management and monitoring to help ensure effectiveness

**Appendix 1: MM15 comments**

We support the proposed addition to Site Allocations DPD Appendix B regarding biodiversity net gain which we are pleased to see addresses our Regulation 19 consultation feedback made 28<sup>th</sup> September 2020 (Our ref 324095). This is an important part of ensuring the benefits of BNG are delivered in practice. Since the Regulation 19 consultation was developed, guidance regarding BNG has advanced so we would now like to take the opportunity to advise that the following additions to this appendix table should also be made:

- All BNG indicators and targets should be monitored in line with good practice guidance from Defra/Natural England regarding BNG and the Biodiversity Metric 3.0, as appropriate. For example, the indicator 'Maximise the

biodiversity units gained' is welcome but should also ensure that appropriate habitat is created or enhanced based on the local context of the site. There should be a clear reference to relevant supplementary planning documents to ensure that wider good practice guidance is followed when delivering, reporting and monitoring BNG. We remain committed to working with the Council to develop supplementary guidance that reflects our latest advice.

- As well as a measurable BNG target (10% or higher), the appendix should reflect other requirements from the Environment Act including 1) the need for developers to submit a BNG Plan for Council approval 2) habitat sites considered as part of BNG calculations will need to be secured for at least 30 years and 3) details will need to be uploaded onto the national register once this is available to ensure there is a robust and transparent record of BNG plans and contributions.

Please see these FAQs for helpful guidance regarding BNG:

<https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain/biodiversity-net-gain-faqs-frequently-asked-questions>

We are committed to working with the Council to help ensure the best possible outcomes for people and the environment. For any queries relating to the specific advice in this letter only please contact Richard Cobb at [Richard.cobb@naturalengland.org.uk](mailto:Richard.cobb@naturalengland.org.uk). For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Richard Cobb  
Senior Adviser  
Sussex and Kent Area Team