

Main Modification 22 - Index by ID Number

ID	ResponseRef	Name	Organisation	On Behalf Of
619	619/1/MM22	Martin Wiles		
666	666/1/MM22	Julie Holden	East Grinstead Town Council	
710	710/1/MM22	Richard Cobb	Natural England	
910	910/1/MM22	Vivienne Riddle	Tandridge District Council	
1669	1669/1/MM22	Mark Pavier		
1700	1700/1/MM22	James & Penny Letchford		
1723	1723/1/MM22	Joan Roberts		
1811	1811/1/MM22	John & Caitriona Capp		
1951	1951/1/MM22	Mary Lightburn		
2383	2383/1/MM22	Paul Tucker	Infrastructure First	
2527	2527/1/MM22	Will Lightburn		

Site Allocations DPD: Main Modifications Response

Main Modification: MM22

ID: 6190
Response Ref: 619/1/MM22
Respondent: Martin Wiles
Organisation:
On Behalf Of:

[REDACTED]

From: martin wiles <[REDACTED]>
Sent: 15 January 2022 13:05
To: Policy Consultation
Cc: [REDACTED]
Subject: RESEND : Mid Sussex SA DPD Examination - Main Modification Summary - Comments
Follow Up Flag: Follow up
Flag Status: Completed
Categories: SITES DPD MM

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Dear MSDC,

Concerning the Main Modification Summary – it is not acceptable.

As I have done since the Neighbourhood development plan of 2016 I take issue with the document concerning SA19 (Crawley Down - Felbridge) and SA20 (Imberhorne)

Changes noted

- SA 19 Biodiversity
- SA 20 specialist housing / SANGS / Biodiversity

These changes are wholly inadequate.

They ignore completely the elephant in the room – **Highways Infrastructure**.

Everybody knows in East Grinstead that this is the biggest single problem the town has and the MSDC is totally ignoring this.

I live on Buckhurst Way that exits to London Road A22 East Grinstead and every single day we face gridlock on exiting if by car or choking to death on exhaust fumes if walking up to the star junction
My wife commutes to Horsham and often faces lengthy delays morning or evening at rush hour, queuing sometimes back to Snowhill, frequently made worse by additional / emergency utilities roadworks.

Yet, this consultation has chosen to ignore the obvious probable impact of the 2 proposed developments at Imberhorne and Felbridge in East Grinstead. This is laughable.

Having already participated in the neighbourhood development plan and the recent consultation it has become clear that the transport assessments for all new developments do not take account of the impacts on the local road networks and junctions and just focus on the so called strategic road network.

Why is the MSDC Strategic transport model being ignored and where is the 2018 transport study ?

You are ignoring the warning signs in order to bulldoze through more houses without considering the infrastructure consequences.

If you don't heed these warnings your successors will have an even greater problem in the future.

I am not against the houses, my point is that the infrastructure to handle these developments is totally inadequate today without them, and the proposed Infrastructure efforts from the developers laughable.

Currently MSDC DPD believes that the 2 Felbridge junctions would not be impacted by the 500+200 home developments, this is also laughable. You obviously don't live in East Grinstead.

This is not including

- other smaller developments that are being built by stealth or have been built recently that simply make the traffic problem worse for the town
- additional through traffic as the overall population in the area grows elsewhere with the other developments in North Mid Sussex .

Previous surveys (documented in your consultation and by Infrastructure First who I am sure you know) have identified that these junctions are already at capacity, even over capacity.

You know that but choose to ignore it.

On average each house will add minimum one car to these junctions or probably 2 cars.

Congestion at Felbridge will lead to rat runs on other local roads unable to cope including residential roads leading to increased risk of accidents due to frustrated drivers speeding through.

Worse :

- these junctions are falling apart and badly pot holed.
- Major utilities infrastructure passes already under and is frequently dug up thus creating even further highways congestion on a regular basis and further damaging the already badly pot holed road condition.
- The disruption caused by adding infrastructure from the new developments as well as site traffic will equally massively impact these junctions even if it's temporary.
- The air quality at these junctions is poor, if not dangerous, as a cyclist I regularly pass through and often have had trouble breathing due to the high levels of exhaust fumes all the way along the section from the Star to the speed camera since one side or the other is often at a standstill.

The new developments cannot be justified until a major infrastructure review is carried out

Today this is not sustainable, let alone with such new developments.

Therefore, ignoring the warnings would be totally and wholly irresponsible, and simply putting off the problem for the next generation.

Please take the time to drive through Felbridge to East Grinstead one day and see for yourself.

These developments will have a clear massively negative impact on the local highways.

I don't accept the main modifications document as a result.

Please reject the new developments and improve the existing **highways infrastructure first.**

Thank you

Kind Regards

Martin WILES



Site Allocations DPD: Main Modifications Response

Main Modification: MM22

ID: 6660
Response Ref: 666/1/MM22
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

710

Site Allocations DPD: Main Modifications Response

Main Modification: MM22

ID: 7100
Response Ref: 710/1/MM22
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,

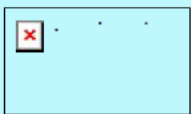
Thank you for your consultation. Please see our response attached.

Kind regards
Richard

Richard Cobb
Senior Adviser | Sustainable Development
Natural England | Sussex and Kent
www.gov.uk/natural-england

Thriving Nature
for people and planet

From: Planning Policy - Mid Sussex District Council
<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>
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. 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.

You are receiving this email because you are a statutory consultee, provided comments to the consultation on the document above, or have signed up to receive Planning Policy

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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

BY EMAIL ONLY

Dear Planning Policy Team,

Site Allocations DPD: Main Modifications Consultation

Thank you for your consultation on the above dated 29th 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 28th 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. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Richard Cobb
Senior Adviser
Sussex and Kent Area Team

Site Allocations DPD: Main Modifications Response

Main Modification: MM22

ID: 9100
Response Ref: 910/1/MM22
Respondent: Vivienne Riddle
Organisation: Tandridge District Council
On Behalf Of:

From: Vivienne Riddle [REDACTED]
Sent: 21 January 2022 09:17
To: Policy Consultation
Subject: Site Allocations Document - Main Modifications Consultation
Attachments: MSDC Site Allocations TDC Response.docx

You don't often get email from vriddle@tandridge.gov.uk. [Learn why this is important](#)

Dear Planning Policy Team,

Please find attached Tandridge District Council's response with respect to the above consultation.

Regards,

Vivienne

Vivienne Riddle
Strategy Specialist
Strategy
[REDACTED]

Tandridge District Council
[REDACTED]

www.tandridge.gov.uk



Tandridge District Council's response to proposed modifications to Mid Sussex District Council's Site Allocation Development Plan Document.

We continue to have significant concerns about the traffic impacts that the proposed site allocations in East Grinstead, specifically SA19 and SA20, will have on the A22 Star Junction, and Felbridge roads more generally and do not feel that the main modifications process has responded to these known issues, sufficiently. The Star Junction has existing issues which are known to be severe and bringing sites forward in that immediate area can only add to the severity of the transport issues. Accordingly, significant improvements to the Star Junction are needed. This must also be considered in the context of the Garden Community proposed through our emerging Local Plan, which would be located at South Godstone and the general growth set out in our Plan which will increase traffic levels at the junctions referenced throughout this response.

We would like to remind MSDC of the work TDC/MSDC/WSCC and SCC jointly undertook regarding our unsuccessful HIF bid. This included a bid for monies to upgrade the Felbridge junction and MSDC are very aware of the significant obstacle this junction presents for both districts. As such, we are unsure why the profile and significance of the matter does not appear to have been suitably acknowledged.

Policy SA35 relates to the Safeguarding of Land for Strategic Housing Requirements. We refer to our comments made at Reg 19 in relation to policy SA35 and continue to support the thrust of the policy on joint working over the future identification of safeguarded land for improvements at junctions in the A22 and A264 corridors, and that development should not prejudice the delivery of these proposals. The TDC position is that the significance of issues at the junctions mentioned, must be more clearly borne out in the policies of the MSDC Site Allocations Plan. Policies should provide necessary assurances to both residents of Tandridge, and the local areas affected in Mid Sussex, that these junctions will either be mitigated, or sites considered to be undeliverable in the absence of necessary mitigation. We note that in the proposed Modifications no mention is made of our request in our Reg 19 response that:

'We would expect a mitigation option to have been agreed by all parties before the commencement of any development in the vicinity, so that we can be ensured that the impact will be mitigated and contributions towards the highways improvements are sought. As such, that wording to this effect is included within the policies (SA19 and SA20) as a main modification.'

We regard this as extremely important and without it our concerns remain as these sites could come forward with no overall solution to the pre-existing severe Star Junction issues. We recognise that, as the Inspector dealing with the Hill Place Farm appeal made clear, developer funding can only be used to mitigate the impact of their development and not to remedy pre-existing issues with the junction. Thus, if the sites come forward, the developers have the legal high-ground in only implementing mitigation for the incremental vehicle movements. Due to the already overloaded Star Junction this is likely to lead to re-routing, thereby adding significant burden to unsuitable rural roads. Our district acutely understands the impacts of rerouting on the highway network and the A22 and other rural roads are frequently used as alternative routes for high levels of traffic in the event of issues on the M25 and M23. Yet, no regard appears to have been taken to the impacts of this on the struggling Star and Felbridge junctions.

West Sussex County Council, in their response to the DPD at the Regulation 18 stage (page 999 https://www.midsussex.gov.uk/media/4704/reg18_summaryreport.pdf) and as reiterated in their Regulation 19 response (page 215 https://www.midsussex.gov.uk/media/5860/evidence-base_redacted.pdf), noted that no scheme has been identified and also the possibility that the necessary significant junction improvements required at the Star Junction will not be delivered. Accordingly, they suggested an alteration but this has also not been incorporated.

We have included the relevant paragraph from their Regulation 18 response below.

“There is currently no scheme identified to improve the Felbridge junction that achieves all objectives and that all parties consider to be deliverable. Therefore, in the absence of evidence to the contrary, the County Council consider that the Site Allocations DPD should also acknowledge the possibility that improvements may not be deliverable at the Felbridge junction. If improvements are not deliverable, the Mid Sussex Transport Study indicates that the likely impacts of development are increasing delays and/or traffic re-routing via less suitable routes which may require mitigation measures such as traffic calming. Therefore, the County Council request that **para 3.16 is amended** to acknowledge that if highway improvements are not deliverable, then alternative transport strategy approaches, such as demand management or a major scheme, may need to be introduced to address pre-existing congestion and mitigate the cumulative impacts of development on the highway network.”

We also question whether the delivery of these sites is justified as the Plan seeks to over allocate against the established needs for the area. The DPD’s residual need has been updated (effective from 21 April 21) and has been reduced from 1280 to 797 homes. So the plan is required to provide 797 homes but is allocating 1704. Such constraints to the sites referenced provide sufficient justification for their removal. We consider that the removal of both SA19 and SA20 would also lessen the cumulative impact upon the already severe highways network and upon infrastructure within our district. While we accept that this is not a simple matter, if removal is not possible, then properly robust policies on the commitment to mitigation and improvements, should be implemented.

SA 19 Land South of Crawley Down Road, Felbridge

We reiterate our previous Reg 19 comments regarding the identification of this site as part of East Grinstead settlement but its description as an extension to Felbridge.

“Tandridge notes that site SA19 has been identified as being within the proposed built-up boundary of East Grinstead and as such has the same settlement category (Category 1). However, it is also being described as an extension to Felbridge, with its vehicular access off Crawley Down Road and policy requirements setting out that the any proposals maximise connectivity with Felbridge. It is also noted that, at present, the built-up boundary narrows to a thin line between the main built up area of East Grinstead and development to the south of Crawley Down Road but this boundary is being amended to include an area of land located between this site allocation and the main built-up area of East Grinstead. Notwithstanding this it is noted that policy DP13 of the Mid Sussex Development Plan 2014-2031 seeks to prevent the coalescence of settlements which harms the separate identity and amenity of settlements and the maintenance of this undeveloped gap reinforces the fact that they are separate settlements.

Our Settlement Hierarchy (2015 and 2018 Addendum) identifies Felbridge as a Tier 3 Rural Settlement which demonstrates a basic level of provision. However, it also recognises the relationship with out-of-district settlements, noting that residents rely on East Grinstead for services such as healthcare facilities, secondary schools and a train station. In arriving at our

Preferred Strategy we considered a number of different approaches, including an approach with development focused on our Tier 3 settlements. Our Sustainability Appraisal concluded that such an approach would be unsustainable, with limited gains when compared to the impact on the environment and the settlements themselves. Tandridge's approach therefore does not include directing development towards this settlement."

Highways and Access – see comment above regarding the inclusion of wording that a mitigation scheme should be agreed before the commencement of any development on the site. We regard this as extremely important and its current omission as deeply regrettable in terms of impact on communities within Tandridge District.

We welcome the inclusion of the Minor Modification which makes it clear that development impacts should be mitigated "to the satisfaction of both" Surrey and West Sussex County Council Highway Authorities.

SA20 Land south and west of Imberhorne Upper School. Imberhorne Lane, East Grinstead

We continue to support proposals for health and education provision related to this site as set out in our Reg 19 representations.

We also support the proposed Minor Modification regarding monitoring of the use and management of the proposed SANG.

Highways and Access – see comment above regarding the inclusion of wording that a mitigation scheme should be agreed before the commencement of any development on the site. We regard this as extremely important and its current omission as deeply regrettable in terms of impact on communities within Tandridge District

We welcome the inclusion of the proposed Minor Modification which makes it clear that development impacts should be mitigated "to the satisfaction of both" Surrey and West Sussex County Council Highway Authorities.

1669

Site Allocations DPD: Main Modifications Response

Main Modification: MM22

ID: 16690

Response Ref: 1669/1/MM22

Respondent: Mark Pavier

Organisation:

On Behalf Of:

[REDACTED]

From: Mark Pavier [REDACTED]
Sent: 21 January 2022 11:20
To: Policy Consultation
Subject: Response to MSDC Site Allocations Plan Main Modifications SA19 SA20
Attachments: Response to Main Modifications MSDC Site Allocation Plan SA19 SA20.pdf

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Dear Sir/Madam,

Please find attached our response to the MSDC Site Allocations Plan Main Modifications Document. Our comments relate primarily to SA19 (Felbridge) and SA20 (East Grinstead). We would be grateful for acknowledgement of receipt of our response and confirmation that it has been passed to the Inspector in full. Copies have been sent to our local councillors and MP Claire Coutinho

Yours faithfully,
Dr Emma Pavier & Dr Mark Pavier



20th January 2022

RE: Mid Sussex District Council Site Allocations SA19 and SA20 – Response to Inspector’s Modifications

Dear Sir/Madam,

Having read the modifications to the Mid Sussex Site Allocations SA19 and SA20 we are horrified by the deafening silence regarding the very real traffic, infrastructure, and environmental issues, which plague Felbridge and East Grinstead, making these plans unsustainable.

TRAFFIC INFRASTRUCTURE

As local residents we live with the everyday reality of current traffic and infrastructure issues. We rarely shop or use services in East Grinstead simply because it is so difficult to drive through the A22/A264 Felbridge junction and negotiate the traffic on the Copthorne and London Roads. At peak periods the traffic backs up the entire length of both roads. It is common for drivers to cut down Rowplatt Lane and the Crawley Down Road to bypass some of this traffic into East Grinstead. It is often gridlocked outside our house with traffic frequently mounting the pavement with little regard for pedestrians. It is often quicker to travel to the town centre via Crawley Down and Turner’s Hill.

Access onto the A264 Copthorne Road from the Crawley Down Road is extremely difficult. When heading east the only viable option is via Rowplatt Lane, a narrow residential road with a junction identified as already operating at capacity by Surrey County Council following the approval of development of the Wates site (15/39 Crawley Down Road). I personally witnessed a cyclist sustain a broken back following a collision at this junction.

When travelling by train into London we always use the station at Lingfield, again because of the difficulty of accessing East Grinstead.

As a family we have only ever used the local bus service once because of the prohibitive cost. So, the suggestion by Mid Sussex that an unspecified improvement in bus services will solve the very real highway issues is an absolute nonsense.

The traffic infrastructure issues in and around East Grinstead have long been recognised and are well documented:

- The Oaks development, neighbouring Imberhorne Farm, was initially refused in 2010 on the grounds of highways congestion. West Sussex Highways capitulated prior to the appeal hearing in return for extra funding to rephase the Felbridge and Imberhorne Lane junction lights. However, in approving the development in 2011, the Inspector stated,

“There is a recognised problem of traffic congestion in East Grinstead which has been the subject of studies over the years and is accepted as a major constrain on future growth in and around the town.”

- In 2017 the Imberhorne Farm site assessed was for housing as part of the District Plan but rejected by the Council as unsuitable due to excessive levels of traffic congestion. Their report stated,

“Severe traffic constraints within East Grinstead would limit the amount of strategic development within the town unless significant mitigation is proposed. The site’s major negatives relate to the severe transport constraints, which affect all sites in the East Grinstead area.”

- A detailed study of the Felbridge junction was undertaken in 2018 and the executive summary, published on the Tandridge Council’s website, clearly showed the junction already operating at 106% capacity with an average of 48 cars queuing at peak periods.

This contrasts with the Mid Sussex strategic transport study 2020, which provides no evidence of traffic surveying in the area, instead relying on general growth assumptions to extrapolate survey data from 2008, suggesting the Felbridge junction was operating at 73% capacity with only 3 cars queueing at peak times. As residents we can assure you the Mid Sussex report is fabricated nonsense.

Further, in relation to the 2019 planning appeal for 63 homes along the Crawley Down Road the inspector stated,

“From the local perspective the traffic queueing east bound on the Copthorne Road towards the traffic lights builds up at peak times and frequently reaches as far back as Rowplatt Lane, about 1km from the junction, and sometimes even further. This was observed during the site visit about 5:30pm on 15 May and is corroborated by a video camera survey undertaken by the Council over the three-day period 17-19 July 2018”

It is imperative that the full study of the Felbridge junction, jointly commissioned by Mid Sussex District Council in 2018, is published and sound traffic mitigation plans are developed and implemented. Given there have been 1,783 houses built in the East Grinstead locality since 2010 and a further 1,420 are in the pipeline it is vital that traffic infrastructure is addressed before allocations SA19 and SA20 are considered further.

UNSUSTAINABLE EXPANSION OF FELBRIDGE – A TIER 3 VILLAGE

The Main Modifications Site Allocations Plan Document, SA19 Land South of Crawley Down Road Felbridge pages 57 – 59, states clearly in the objectives that the plan seeks to deliver, ‘a sympathetic extension to Felbridge,’ ...

Objectives
– To deliver a sympathetic extension to Felbridge, informed by a landscape led masterplan which optimises the opportunities provided by Felbridge Water to include an enhanced landscape buffer and notable biodiversity improvements.

Tandridge District Council’s Settlement Hierarchy Addendum 2018 states, ‘Although the proximity of East Grinstead plays a role in Felbridge’s sustainability, the settlement itself can only demonstrate a basic level of provision and as such is categorised as a **Tier 3** rural settlement’

Felbridge DOES NOT fall within the East Grinstead Tier 1 settlement. Residents have no representation on the town or district council. There are no services within the village other than a small village shop and a single class entry primary school. This school falls under the Surrey Local Education Authority with no requirement to deliver extra school places arising from housing passed by Mid Sussex District Council.

SA19 is in clear contravention of Policy DP6 (Settlement Hierarchy) which allocates a much smaller proportion of housing requirements to villages and aims,

‘To promote well located and designed development that reflects the District’s distinctive towns and villages, retains their separate identity and character and prevents coalescence’, and

‘To create and maintain town and village centres that are vibrant, attractive and successful and that meet the needs of the community.’

However, there appears to be a deliberate policy within the Mid Sussex planning department to offload housing to this relatively small strip of land to the south of the Crawley Down and Copthorne Roads, syphoning off S106 payments and council tax receipts.

Currently there are 532 homes within the village. To date Mid Sussex District Council have approved 120 houses on this boundary land, with a further 200 proposed in SA19, a total of 320 properties. This equates to a 60% expansion of the village without any support for the local community.

In contrast, SA20 proposes a total 550 houses with a raft of community infrastructure including, a primary school, expanded secondary school, GP practice, housing provision for the elderly and dedicated open space. Surely, if Mid Sussex are determined to drive through these site allocations, it makes more sense for the 200 houses outlined in SA19 to be added to the proposed SA20 development? Community infrastructure requirements and policy DP13 (Preventing Coalescence) could be more easily met.

ACCESS ISSUES

The Main Modifications Site Allocations Plan Document, SA19 Land South of Crawley Down Road Felbridge pages 57 – 59, refers to, ‘*vehicular access crosses the footpath*’ ...

Highways and Access
<ul style="list-style-type: none">– Provide a Sustainable Transport Strategy which identifies sustainable transport infrastructure improvements and demonstrates how the development will integrate with and enhance the existing network providing safe and convenient routes for walking, cycling and public transport through the development and linking with existing networks.– Investigate access arrangements onto Crawley Down Road and make necessary safety improvements to secure appropriate visibility.– The access shall include footpaths to either side to connect with the existing pedestrian network along Crawley Down Road.– Working collaboratively with <u>and to the satisfaction of both</u> Surrey and West Sussex County Council Highway Authorities, mitigate development impacts by maximising sustainable transport enhancements; where <u>additional</u> impacts remain, highway mitigation measures will be considered.– Taking account for sustainable transport interventions, contribute towards providing any necessary capacity and safety improvements to junctions impacted upon by the development in the vicinity of the site along the A22/A264 corridor.– <u>Contribute towards improvements and protect the quality of the existing PRow across the site and provide traffic calming measures where any vehicular access crosses the footpath.</u>

58

A premature and very poor-quality planning consultation brought forward by Barratt David Wilson Homes at the beginning of December 2021, for the land outlined in SA19, showed a road crossing the bridleway to access to 120 houses on the western side of the site.

Given an existing legal vehicular Right of Way is in place for two properties further up the bridleway it would be impossible to implement traffic calming measures, such as bollards, or to prevent traffic cutting along the bridleway between the housing and the Crawley Down Road.

It is imperative that NO VEHICULAR ACCESS should be allowed to cross the Gulledge bridleway. This is the only traffic free, safe route for Felbridge residents to access the Worth Way, linking the village to Crawley Down and East Grinstead. It is used extensively by pedestrians, cyclists and horse riders and is part of the Safe Routes to School Scheme.

ENVIRONMENTAL ISSUES

Under the Habitats legislation, Mid Sussex District Council have a duty of care to ensure the Ashdown Forest is not exposed to increased visitor pressure arising from development within a 7km radius.

Since 2015 the Council have been using sites at East Court and Ashplats Wood as Suitable Alternative Natural Green Space (SANG). This has provided for 1,500 homes to be built in the East Grinstead area. However, the Council have failed to provide any tangible evidence that this existing SANG is working. Furthermore, their Strategic Access Management and

Monitoring (SAMM) comprises no more than a leaflet for dog walkers on the Council's website.

It is proposed a new SANG on fields next to SA20 will be an attractive alternative to the Ashdown Forest and mitigate for the proposed housing allocations in East Grinstead and Felbridge.

However, given the Council cannot validate their existing SANG it is impossible to predict if the proposal for SA20 is adequate. Furthermore, if developers are allowed vehicular access across the Gulledge bridleway it denies Felbridge residents traffic free access to this alternative green space.

Mid Sussex District Council must be able to prove unequivocally that their current SANGs and SAMMs are effective in protecting the Ashdown Forest. Any new SANGs MUST be fully accessible to all residents.

HOUSING NUMBERS

The primary objective of the Council's Site Allocations Plan is to meet the residual housing need identified by the District Plan in 2018, which was set at 1,280 homes. However recent housing delivery exceeded expectations and the Council stated in the examination that the '*residual need*' could be reduced to 797 houses. Currently the Council's plan allocates 1,704 houses, giving an **over-supply of 907 homes**. Since the examination the Council have passed further developments and the official record of planning approvals indicates the residual need could be reduced by approximately 400 homes, to below **400**.

The Site Allocations Plan must be shown to be 'justified'. Pushing through more than 4 times the required number of houses cannot be justified.

CONCLUSION

We are sure you entered the planning profession with the very best intentions to provide good quality housing solutions for communities. Unfortunately, the Mid Sussex site allocations plan falls well short of such aspirations. Poor planning decisions blight generations of residents. Currently the site allocations plan is simply a charter for developers to plunder the countryside and make vast profits. Please have the courage and professional integrity to hold Mid Sussex to account over:

- **Failure to notify residents at the outset of the consultation**
- **Failure to acknowledge and address traffic infrastructure issues and deliver essential highway improvements**

- **Failure to provide tangible evidence for effective SANGS provision**
- **Failure to recognise Felbridge as a tier 3 village with no services**
- **Failure to identify and integrate cross boundary, community infrastructure needs in the SA19 proposal**
- **Failure to amend the Site Allocations DPD housing numbers in response to the reduced housing need**

SA19 and SA20 are clearly unsustainable and until traffic, infrastructure, environmental and housing number issues are fully addressed they should be withdrawn from the Mid Sussex Site Allocations DPD.

Yours faithfully,

Drs Emma & Mark Pavier

1700

Site Allocations DPD: Main Modifications Response

Main Modification: MM22

ID: 17000

Response Ref: 1700/1/MM22

Respondent: James & Penny Letchford

Organisation:

On Behalf Of:

From: penny letchford [REDACTED]
Sent: 24 January 2022 20:07
To: Policy Consultation
Subject: DPD Main Modifications Consultation

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

MM16 – Updated Housing Trajectory

The primary objective of the DPD is to meet the residual housing need identified by the District Plan Examination in 2018 and to allocate sufficient housing sites to address the residual need for the district between 2024 and 2031. The 2018 plan would have based in part on the previous large employees based in East Grinstead town centre. Unfortunately, East Grinstead has lost many of its large employees, I know as I have worked for 2 of them (CP Ships and Reed Business). Both of their ex-offices have now been turned into residential flats, so jobs similar have no chance of returning.

With the district losing many of its employees, the local population has had to look wider afield for work. One alternative is to commute from East Grinstead into London on the most overcrowded train line in England and Wales - <https://www.bbc.co.uk/news/uk-england-sussex-40744856>, I quote "The Department for Transport (DfT) data showed 1,366 people typically crammed into 12 carriages designed for 640." That was taken in 2017 and so the numbers have only increased on what is a small branch line with limited capacity.

The only other alternative is to join the traffic exiting north of East Grinstead towards Crawley/Gatwick or via the M23 to London or Brighton for work. This is the reality for a large percentage of the current East Grinstead working residents. Adding a large amount of additional residents to queue to exit East Grinstead for work makes no sense. A bypass has been discussed for a generation but sadly to no avail.

It is obvious that housing must be designed alongside places of work, hospitals, police and schools. It appears that you are pushing for an industrial amount of houses on a green field site on the outskirts of town with no wider plan for the inhabitants.

Lastly, I note that the planned housing is directly underneath Gatwick's easterly take off runway and that the planes start at 5.30AM in the summer, I can assure you that the new inhabitants, especially if they are old and at home all of the time will be extremely disappointed that their quality of home was not planned with their best interests in mind at the outset.

MM22 – SA20 SANG monitoring

After years of building new homes in East Grinstead and converting every last office space into residential flats, it is evident that the quantity of people in East Grinstead has increased greatly. As long term residents and keen visitors across Ashdown Forest the impact of an increased local population on the Forest has been noticeable - from general litter, fly tipping, parking on verges due to overcrowding to wild fires due to disposable BBQs. It strikes us that prior monitoring hasn't happened and it is a relatively pointless exercise to monitor after you have built too many homes than the local area can sustain. For the single reason, you cannot stop people visiting Ashdown Forest once they live close by to one of Southern England's most beautiful natural habitats.

General

Aside the points above, I would ask that the planning department look into what is best for the local school children, the increased pollution from the additional car traffic (potentially 1000+ cars) and building over and through school grounds will detrimentally affect their childhoods from a physical & mental health perspective.



1723

Site Allocations DPD: Main Modifications Response

Main Modification: MM22

ID: 17230

Response Ref: 1723/1/MM22

Respondent: Joan Roberts

Organisation:

On Behalf Of:

[REDACTED]

From: William Byam-Cook [REDACTED]
Sent: 24 January 2022 15:51
To: Policy Consultation
Cc: [REDACTED]
Subject: Mid Sussex SA DPD MM" Policy SA20 - proposed development of 550 houses South and West of Imberhorne School, East Grinstead

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

Dear Sir,

I note that after some back and forth over the last months and years that approval has been given to proceed to planning for 550 new homes on the rural area behind Imberhorne Upper School, off Imberhorne Lane in East Grinstead. This is in addition to 200 more homes accessible from the other side of the fields from Felbridge.

I have yet to see any evidence from the developers that has successfully addressed how these new homes can be built without making the already traffic-clogged junction of the A264 and A22 worse for traffic, particularly at rush hour. There is no scope to widen the lanes here to alleviate junction pressure without a compulsory purchase of all the current houses on one or the other side of the A264 to flatten them. Without doing this, there isn't room to add to the road width. This would cost millions and take years, if indeed even possible.

This was the conclusion of the rejection of a similar scheme of houses 10 years ago. Since then almost 1,800 new houses have been built in and around the East Grinstead area, making the traffic far worse before the addition of the above new homes.

I am incredibly concerned that nothing will be done to alleviate the traffic problems, the houses will be approved, built and by then the developer will have walked away, leaving the council with severe unsolvable problems.

Please can you confirm how the traffic problems will not be made worse by building more houses in and around this area.

Kind regards,
William Byam-Cook

1811

Site Allocations DPD: Main Modifications Response

Main Modification: MM22

ID: 18110
Response Ref: 1811/1/MM22
Respondent: John & Caitriona Capp
Organisation:
On Behalf Of:

From: John F Capp [REDACTED]
Sent: 24 January 2022 16:56
To: Policy Consultation
Subject: DPD Main Modifications Consultation

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

Dear Sir/Madam,

The following is a direct copy of 'Infrastructure Firsts' response which I fully support. In my own words the Town has sadly lacked ANY improvement in its infrastructure for many many years. We have lived here for 30 years and watched as the housing has increased in and around the town without any road improvements, increased schooling or medical facilities or little improvement in public transport. We see the nice words in planning applications that 'work will be done with local authorities to improve local facilities', how many have delivered?? Getting around town now can be difficult with regular significant congestion at a number of locations. We have seen the introduction of CPZ's that push the 'parking for the station and shops' problems somewhere else, reduced parking in the town, apartments built with insufficient parking pushing more cars onto street parking elsewhere. Does anyone making these decisions live and experience the congestion the town now suffers? All these new houses will clearly add to the issue significantly and need be 'paused' until infrastructure is improved, please.

Before turning to specific modifications, Infrastructure First are hugely disappointed that the Examiner has not responded to legitimate concerns regarding the severe traffic situation in East Grinstead.

1. Existing traffic issues deemed not relevant
2. Impact on residential streets not considered
3. Cumulative impact not assessed
4. Up to date traffic evidence ignored
5. Committed highway schemes not implemented

1. Existing traffic issues not deemed to be relevant:

The Competent Highway Authorities in West Sussex and Surrey and the District Planning Authorities in Mid Sussex and Tandridge ALL recognise and acknowledge the severe traffic problems in Felbridge and East Grinstead. In particular, that the Felbridge junction is already operating over capacity at peak times of the day. Drivers using the A22 corridor into East Grinstead face significant delays during much of the day due to congestion at the Felbridge, Imberhorne Lane and Lingfield Road junctions ... and this is BEFORE the traffic from the 1,400+ homes already committed in and around East Grinstead start to have an impact on the network. Mid Sussex District Council insist that the serious traffic issues are not a reason to resist further large scale housing close to the main bottlenecks; arguing that the severe congestion is an existing situation. They simply say that the DPD allocations SA19/SA20 will have limited practical impact on the already congested network. The Council's position is untenable for two reasons ...

2. Impact on residential streets has not been considered

Firstly the Council ignore the impact of drivers avoiding long queues at junctions by rerouting along residential streets unsuited to through traffic. These routes were not included within the remit of the Strategic Transport Study and therefore not considered. The Competent Highways Authority describes the inevitable increase in rat-running as the result of SA19/20 as 'undesirable'. The Inspector presiding over the appeal for a scheme of 100 houses adjacent to SA20 (APP/D3830/A/10/2142385) was more forthright, in saying that..

"Locally, peak-hour congestion on the A22 leads to the use of Imberhorne Lane as a cutthrough to the B2110 and as part of a rat-run through the Imberhorne Estate to the town centre. The amount of traffic on the lane leads in turn to congestion on it and this, along with rat-running and traffic speeds can only be to the detriment of the safety of local residents and road users."

This was not a recent statement. It was made than 10 years ago when there were nearly 1,800 fewer houses and substantially less traffic on the roads in East Grinstead.

Since that time, the National Planning Policy Framework (NPPF) has been updated to require planning authorities to consider whether impacts on highways safety are acceptable or not. There is no evidence to suggest that the Council

have given ANY consideration to either capacity or safety impacts on parts of the network not covered by their Strategic Transport Study.

3. Cumulative impact has not been assessed

Secondly the Council cannot legitimately dismiss the traffic problems as an existing situation. The National Planning Practice Guidance (NPPG) most up to date advice on Transport Evidence in Plan Making [Paragraph: 03 Reference ID: 54-003-20141010] makes clear that decision makers should “consider the cumulative impacts of existing and proposed development on transport networks.” There are over 8,500 homes committed in the district, many of which are already approved for development. This includes 1,400 in and around East Grinstead alone. None of these have been considered in combination with the allocations in the DPD when assessing the traffic impact. This cannot be correct. A ‘cumulative’ impact is one that increases by successive additions. It is the combined impact of all things added together. Mid Sussex District Council only assess the incremental traffic impact of the DPD site allocations and have therefore not followed the process required by the NPPG. This approach is therefore also in conflict with the 2021 NPPF paragraph 111. It is not sufficient just to assess all the DPD site allocations together ... if ‘cumulative’ is to mean anything at all, its proper interpretation dictates that the DPD allocations need to be assessed TOGETHER with development schemes already in the pipeline. This is the only way to assess the real impact of traffic joining the road network in the future and it is the method prescribed by the NPPG. The Council’s position has striking similarities with the appellant’s case in the Land at Kidnappers Lane Recovered Appeal [APP/B1605/W/14/3001717]. The Appeal Inspector rejected the appellant’s case that the existing situation can be disregarded and reaffirmed that it is the cumulative effect of all expected development which must be taken into account. The Secretary of State agreed with the Appeal Inspector and a legal challenge mounted by the developer was dismissed by the High Court (see Appendix 1 for the salient details). Despite failing to assess the cumulative impact, Mid Sussex District Council confidently say that there is no evidence to demonstrate there would be serious traffic issues in relation to SA19/20. The Council’s own matter statement (msdc-02f-miq-matter-6) describes how the traffic impact of the DPD allocations was assessed on its own and NOT in combination with other committed development. We were greatly encouraged by the Inspector’s question to the Council asking whether “the cumulative impact should be the determining factor in assessing traffic impact?”. The Council’s response reaffirmed the requirement to test a cumulative impact but then described a process in which it wasn’t tested!!

By assigning the very significant quantum of committed development to the Reference Case and comparing the overall traffic impact against the DPD Allocations PLUS the Reference Case; the impact of the committed development was simply factored out of the equation. We were disappointed that the Inspector failed to pick up on this. Notwithstanding the failure to correctly assess the ‘cumulative’ impact, the Council’s Reference Case predicts that all the primary junctions in and around East Grinstead will be operating over capacity. The extent of this over capacity is understated ... not only as the result of baseline junction capacities being under recorded but also due to the committed development tested in the Reference Case NOT being updated to reflect the published commitments to April 2021. There is no obvious justification for this

4. Up to date traffic evidence has been ignored

The Council also, somewhat cynically, refuse to include the most up to date and reliable traffic data for the Felbridge junction in their evidence base. The results from the detailed traffic survey, which they jointly commissioned, were available prior to the regulation 18 consultation and showed that the junction was already significantly over capacity at that time. The Council say that the WSP investigation is still in draft form as no workable junction improvement options have been identified. However this cannot reasonably apply to the underlying traffic survey, which was based on observations at the time and therefore neither sensitive nor work in progress. Surrey Highways, who jointly commissioned the survey have recently released the detailed traffic data into the public domain. In responding to the many calls for the 2018 WSP traffic survey results to be included in the DPD evidence base, the Council simply say in Appendix 9 of the Regulation 22 Summary, that the WSP study is not relevant. A statement that was not reasoned. Once again, we were encouraged by another of the Inspector’s initial questions which asked the Council to explain “the principal conclusions of the WSP study”. In their response (msdc-02f-miq-matter-6), the Council failed to mention the study’s material findings on junction capacity. Instead they said that the WSP study is not required to address the impact of the DPD and therefore of no direct relevance and that no conclusions could be drawn from the study. This is clearly NOT true. Even the most casual observer could conclude that the WSP study found that the Felbridge junction was operating well over capacity as early as 2018. When asked to explain why their calibrated transport model was so wide of the mark when predicting the Felbridge junction baseline capacity, the Council simply say that the SATURN modelling used for the districtwide study had a different purpose to the detailed LINSIG modelling designed for individual junctions. While this must be correct, it must also bring into question the reliability of the model validation.

The Council stopped short of addressing this question! We are therefore left to conclude that the Council simply found the WSP findings inconvenient ... in that they undermined the findings of the Strategic Transport Study relied upon to support the DPD. As a consequence of the WSP traffic evidence being ignored, the District Council along with their Competent Highways Authority are liable to be challenged over not properly validating the transport model. We don’t

know whether the obvious flaws in the Strategic Transport Model disguised an otherwise severe impact on the road network in East Grinstead. But without a 'severe impact' the DPD is not required to deliver any highways mitigation ... which in turn means that any developer funded road improvements are 'nice to have' and not an essential condition of SA19/20 going forward. The Strategic Transport Study does however acknowledge that significant mitigation of the A264/A22 would be required to significantly reduce the congestion at the Felbridge junction and that to be fully effective would require land outside the highway boundary. But if, as usually turns out to be the case, there are no practical or cost effective solutions identified or that there is simply insufficient funding to deliver a solution, then the roads will stay as they are and the traffic from SA19/20 will simply add to the unacceptable levels of congestion and rat-running. For both regulation 18 and 19 consultations, West Sussex Highways acknowledged that local junction improvements may not be deliverable and requested the District Council to update the DPD to reflect this. However, these requests were ignored without explanation.

5. Committed highway schemes have not been implemented T

The following committed highway improvements for the Felbridge and Imberhorne junctions are overdue with little prospect of delivery ...

- Synchronisation of signals at Felbridge and Imberhorne Lane junctions were developer funded and a condition of West Sussex Highways withdrawing their highways objection to the Oaks development in 2011 – Surrey Highways have confirmed that the synchronisation has not occurred due to technical difficulties and is likely to be unworkable as the result of flow interruptions due to bus stops, side roads etc.
- Reconfiguration of the Felbridge junction A264 approach arm for both lanes to turn right towards East Grinstead has been used as mitigation for several large schemes – Surrey Highways do not support this scheme and confirmed that it has been tried before but immediately withdrawn due to an unacceptable increase in collisions.
- In the last 10 years, several large schemes have made substantial contributions towards the cost of the Atkins Stage 3 junction improvements to help offset the impact of additional traffic. These highway interventions have been factored into the Council's strategic transport models since 2013, but West Sussex Highways say that there is still no timetable for their implementation.

To ensure that effective traffic mitigation is actually delivered, we respectfully ask the Inspector to consider making it a condition of approving SA19/20.

Appendix 1 - High Court Ruling re: Residual Cumulative Impact

In August 2014, the planning committee for Cheltenham Borough Council refused a planning application by Bovis Homes in respect of a residential development of 650 homes. This was against the advice of planning officers and the local highways authority didn't raise any objections to the scheme.

The decision notice lists unacceptable traffic congestion as one of the reasons for refusal.

Bovis Homes appealed the decision and a public inquiry took place in September 2015. They argued that detailed transport studies showed that the local roads were already severely congested but that the additional traffic wouldn't make things much worse ...

- "there would be limited practical difference in terms of traffic impact on the local road network whether or not the appeal scheme proceeds"
- "The highways network around the site suffers some congestion but the NPPF test is whether the additional impact of a scheme would be severe"
- Shurdington Road is already overloaded. Existing traffic on Shurdington Road would be displaced onto other routes by traffic from the development

The Council employed consultants to review the transport work supporting the scheme and argued that ...

- "In limited time, the review identified faults in the transport analysis. More time would have uncovered more faults. A defensive response to criticism and a lack of transparency engenders suspicion that there is something to hide."
- "Traffic forecasting and modelling was undertaken using the Council's SATURN based model. It is not inherently unreliable but it is a strategic model, outputs from which need to be adjusted to obtain the detail relevant to consideration of this development. There are concerns about its accuracy for this purpose."

The appeal inspector rejected the developer's arguments and in January 2016 gave his reasons ...

- "It is an often-expressed view that development should be expected to do no more than 'wash its own face' and not solve all existing unrelated problems. In relation to transport, that appears to be the view of the appellant, the local authority and the local highway authority."
- "The third bullet of NPPF paragraph 32 refers not to the additional impact of a scheme, as the appellant asserts but to residual "cumulative" effects, implying that it is the cumulative effect of all expected development which must be taken into account, rather than the individual contribution of each development in turn, which is likely to be (as in the present case) marginal."

• “Whilst I can agree therefore, that the development should not need to solve all existing unrelated transport problems, the existing or future “in any event” situation on the highway network, is not an Response to DPD Main Modifications Consultation Paul Tucker for Infrastructure First (ID 2383) Page 6 of 9 23 January 2022
unrelated problem which evaluation of the proposed development should ignore. It is a related problem which is highly pertinent to the evaluation of the current appeal proposal.”
Due to the strategic nature of the Bovis Homes scheme, the Secretary of State intervened ... upholding the view of the appeal inspector and dismissing the appeal in May 2016.

In his judgement he agreed with the Inspector’s analysis of highways issues ...

• Overall, he agrees with the Inspector that, taking account of the measures which are included in the s106 agreement, the residual cumulative effects of development proposed would increase demand for use of sections of the highway network which are already operating at over-capacity levels, contributing to a severe impact on a wider area of Cheltenham as traffic is displaced, contrary to both adopted and emerging policies. Paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

• The Secretary of State concludes that granting permission for the appeal scheme would be contrary to the development plan overall due to the severe residual cumulative transport impacts.

Bovis Homes challenged the validity of the Secretary of State’s decision on a misinterpretation of ‘Residual Cumulative Impact’ and applied to High Court to overturn it.

In September 2016, Mr Justice Holgate presided over a hearing to consider whether there was a case to answer.

He was not persuaded that the Inspector and Secretary of State erred in law by taking into account of the existing highway situation when resolving the paragraph 32 NPPF questions. In particular, the Judge noted that it would be open to a decision taker to rationally conclude that a given development could wash its own face in highway impact terms, but due to existing over capacity, the residual cumulative impacts of the development could be severe.

• “The conclusions of the Inspector and the Secretary of State adverse to the Bovis proposal rested on the third bullet point of NPPF paragraph 32, the second half of which is the relevant provision. It reads: “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

• “He recorded in paragraph 221 the view of Bovis Homes and also the local authority and the County Council, that the development should be expected to do no more than “wash its own face” and not solve all existing unrelated problems. He contrasted that with the position of third parties pointing out that the existing situation into which the development would be placed is already not suitable in terms of highway capacity and that the future situation would be far worse, and therefore even less acceptable, as a location for the development of 650 dwellings.”

• “Taking up the third bullet point of NPPF paragraph 32, the Inspector pointed out in paragraph 223 of his report that the Framework refers not simply to the additional impact of the scheme, as had been asserted by the appellants, but to residual “cumulative” effects, implying that it is the cumulative effect of all expected development which must be taken into account in context rather than just the Response to DPD Main Modifications Consultation Paul Tucker for Infrastructure First (ID 2383)

Page 7 of 9 23 January 2022

individual contribution of each development in turn which is likely to be, as in the present case, marginal.”

• “In view of his earlier reasoning there was no need for the Inspector to rely in addition upon circular 2/2013, but it did serve to emphasise that the existing levels of congestion were relevant, and not irrelevant as some parties had contended, to determining whether there would be severe residual cumulative impacts in breach of paragraph 32 of the NPPF if the proposed development were to go ahead.”

• “Furthermore, and in any event, it is also plain from paragraphs 14 and 32 of the Secretary of State’s decision letter that he correctly applied the “severe residual cumulative impact” test in the NPPF and not any different test. It cannot be said that the decision-maker has misinterpreted paragraph 32 of the NPPF. Nor can it be said that in using his judgment regarding the application of that test, he has misapplied it in such a way as to be open to challenge on public law grounds”

The High Court rejected the challenge and in doing so made an important ruling on the correct interpretation of the National Planning Policy’s meaning of residual cumulative impacts of development.

<https://www.bailii.org/ew/cases/EWHC/Admin/2016/2952.html>

MM16 – Updated Housing Trajectory

The primary objective of the DPD is to meet the residual housing need identified by the District Plan Examination in 2018 and to allocate sufficient housing sites to address the residual need for the district between 2024 and 2031.

The regulation 18 version of the DPD confirms the residual need to be 1,507 homes ...

“2.25 The revised housing supply figures set out in Table 2.3, illustrates that following consideration

for updated completion, commitments and windfall figures that the residual currently necessary to fully meet the district housing requirement is 1,507 dwellings as at April 2019.”

The regulation 19 version of the DPD shows that the residual need had reduced by 227 ...

2.29 The revised housing supply figures set out in Table 2.3, illustrates that following consideration for updated completion, commitments and windfall figures that the residual currently necessary to fully meet the district housing requirement is 1,280 dwellings as at 1st April 2020.

And the latest main modifications version of the DPD shows the residual need had fallen by a further 483 ...

2.29 The revised housing supply figures set out in Table 2.3, illustrates that following consideration for updated completion, commitments and windfall figures that the residual currently necessary to fully meet the district housing requirement is 797 dwellings as at 1st April 2021.

So in the two years it has taken to progress the DPD to the Main Modification stage, the number of houses it set out to allocate has officially reduced by very nearly half, from 1,507 to 797 homes.

Response to DPD Main Modifications Consultation Paul Tucker for Infrastructure First (ID 2383)

Page 8 of 9 23 January 2022

This excludes the new homes approved in the 10 months since April 2021.

Of course there is no justification for ignoring these latest approvals in the latest version of the DPD as the Council will be fully aware of them. Using the information published on the Council’s website we have reviewed the planning approvals since April 2021 and excluded those already included in the published list of housing commitments (MSDC-06b).

We have calculated the up to date residual need is now around 400 homes ... which leaves us with the very probable conclusion that the uplifted trajectory will be fully met by 2024/25 without needing to allocate any further schemes in the DPD.

However, the main modification version of the DPD still allocates schemes for a total of 1,704 homes. This represents an official oversupply of 907 as at April 2021 ... and using up to date figures, an oversupply nearer to 1,300.

Despite the Council’s position stated during the public hearings that they do not accept the need for a buffer due to the robustness of their housing commitments; some level of oversupply is clearly prudent.

Tests of soundness require the Plan to be proportionate and justified. We don’t believe that a fourfold oversupply meets these tests ... especially as there are very legitimate arguments which bring into question the sustainability of the 750 homes allocated at SA19/SA20.

MM22 – SA20 SANG monitoring

First of all it is worth reiterating that the residual housing need identified at the examination of the District Plan was made conditional on there being no further harm to the integrity of European Habitat Sites in Ashdown Forest. This was clearly stated in paragraph 65 of the Inspector’s final report dated 12th March 2018. The Council have not presented any evidence to demonstrate that allocations in the DPD would not result in further harm to the Ashdown Forest SPA.

Main Modification MM22 adds wording relating to SANG provision and mitigation by adding a requirement for regular monitoring of the proposed SANG. However, The District Council are already committed to monitoring the effectiveness of their SANG mitigation under DP17 ... and therefore MM22 is somewhat superfluous.

Of course, committing to regular SANG monitoring doesn’t mean that it will happen. Despite a similar commitment to regular monitor the existing Ashplatts Wood SANG, no monitoring had been undertaken since becoming operational in 2015. Although the latest Habitats Regulation Assessment (HRA) says that visitor surveys have now been undertaken following the examination hearings in June.

One of the Council’s post-hearing actions was to demonstrate the effectiveness of their existing SANG mitigation; but their response (MSDC13) was far from compelling and presented no evidence to show that the Ashplatts Wood SANG had been successful in reducing visitor pressure on the Ashdown Forest SPA.

The Council clearly believe that SANG effectiveness is a forgone conclusion.

Response to DPD Main Modifications Consultation Paul Tucker for Infrastructure First (ID 2383)

Page 9 of 9 23 January 2022

We submitted our own response (REP2383-010) highlighting the lack of evidence in the Council’s post-hearing written submission and we are disappointed that our concerns have been apparently dismissed.

A further commitment to regularly monitor the proposed SANG as set out in the MM22 is clearly welcome; but what if monitoring shows that the SANG isn’t successful in reducing visitor pressure from new development?

The Habitats legislation is clear that decision makers are required to apply the precautionary principle in evaluating adverse impacts on a protected site. In simple terms this means that it is ‘better to be safe than sorry’. This surely mandates that approval of sites SA19/20 should depend upon the results of the visitor surveys carried out in June.

The Council have currently no evidence to demonstrate the success of their Ashdown Forest mitigation strategy and it would be premature to allocate SA19/20 prior to the forthcoming publication of the evidence provided by these visitor studies.

Indeed the approval of large scale housing within the accepted zone of influence with no evidence to support the HRA claim that adverse impacts can be ruled out is potentially open to legal challenge.

Yours faithfully

John & Caitriona Capp



1951

Site Allocations DPD: Main Modifications Response

Main Modification: MM22

ID: 19510
Response Ref: 1951/1/MM22
Respondent: Mary Lightburn
Organisation:
On Behalf Of:

From: mary lightburn [REDACTED]
Sent: 24 January 2022 21:07
To: Policy Consultation
Subject: DPD main modifications consultation

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Re: site reference SA19 & SA20 - MM22

Dear Sir/Madam,

I wish to express my objections to the above proposed sites. Firstly they are in close proximity to the historic house Gullege. The countryside and people's access to it will be completely ruined (walkers, cyclists and especially horse riders who already have less and less safe areas to ride).

Secondly there is an enormous traffic problem in East Grinstead and Felbridge. The roads are consistently congested, and in a bad state of repair. The addition of 750 houses will make the problem much worse. The infrastructure of the town cannot cope. There are already new houses going up which are unaffordable and already adding to the traffic problem.

There is also the issue of increased pollution in the area, and the threat to the local wildlife. A proposed country park is not the same as the genuine countryside. There will be light and noise pollution which will affect the local wildlife. There will be loss of habit for the wildlife.

Please do not go ahead with this horrendous proposed development which will slowly extend East Grinstead into Crawley Down and beyond.

Yours faithfully,
Mary Lightburn

[REDACTED]

2383

Site Allocations DPD: Main Modifications Response

Main Modification: MM22

ID: 23830
Response Ref: 2383/1/MM22
Respondent: Paul Tucker
Organisation: Infrastructure First
On Behalf Of:

[REDACTED]

From: Paul Tucker [REDACTED]
Sent: 23 January 2022 15:30
To: Policy Consultation
Cc: [REDACTED]
Subject: Main Modifications Submission from InfrastructureFirst (Repondent ID 2383)
Attachments: IFG Representation - Main Modifications DPD Consultation.docx

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Please find our submission in relation to the DPD main modifications consultation. We respectfully request that it is passed on to the Examiner in full.

Paul Tucker
On behalf of InfrastructureFirst

Before turning to specific modifications, Infrastructure First are hugely disappointed that the Examiner has not responded to legitimate concerns regarding the severe traffic situation in East Grinstead.

1. Existing traffic issues deemed not relevant
2. Impact on residential streets not considered
3. Cumulative impact not assessed
4. Up to date traffic evidence ignored
5. Committed highway schemes not implemented

1. Existing traffic issues not deemed to be relevant

The Competent Highway Authorities in West Sussex and Surrey and the District Planning Authorities in Mid Sussex and Tandridge ALL recognise and acknowledge the severe traffic problems in Felbridge and East Grinstead. In particular, that the Felbridge junction is already operating over capacity at peak times of the day.

Drivers using the A22 corridor into East Grinstead face significant delays during much of the day due to congestion at the Felbridge, Imberhorne Lane and Lingfield Road junctions ... and this is BEFORE the traffic from the 1,400+ homes already committed in and around East Grinstead start to have an impact on the network.

Mid Sussex District Council insist that the serious traffic issues are not a reason to resist further large scale housing close to the main bottlenecks; arguing that the severe congestion is an existing situation. They simply say that the DPD allocations SA19/SA20 will have limited practical impact on the already congested network.

The Council's position is untenable for two reasons ...

2. Impact on residential streets has not been considered

Firstly the Council ignore the impact of drivers avoiding long queues at junctions by rerouting along residential streets unsuited to through traffic. These routes were not included within the remit of the Strategic Transport Study and therefore not considered. The Competent Highways Authority describes the inevitable increase in rat-running as the result of SA19/20 as 'undesirable'.

The Inspector presiding over the appeal for a scheme of 100 houses adjacent to SA20 (APP/D3830/A/10/2142385) was more forthright, in saying that ...

"Locally, peak-hour congestion on the A22 leads to the use of Imberhorne Lane as a cut-through to the B2110 and as part of a rat-run through the Imberhorne Estate to the town centre. The amount of traffic on the lane leads in turn to congestion on it and this, along with rat-running and traffic speeds can only be to the detriment of the safety of local residents and road users."

This was not a recent statement. It was made than 10 years ago when there were nearly 1,800 fewer houses and substantially less traffic on the roads in East Grinstead.

Since that time, the National Planning Policy Framework (NPPF) has been updated to require planning authorities to consider whether impacts on highways safety are acceptable or not. There is no evidence to suggest that the Council have given ANY consideration to either capacity or safety impacts on parts of the network not covered by their Strategic Transport Study.

3. Cumulative impact has not been assessed

Secondly the Council cannot legitimately dismiss the traffic problems as an existing situation. The National Planning Practice Guidance (NPPG) most up to date advice on Transport Evidence in Plan Making [Paragraph: 03 Reference ID: 54-003-20141010] makes clear that decision makers should "*consider the cumulative impacts of existing and proposed development on transport networks.*"

There are over 8,500 homes committed in the district, many of which are already approved for development. This includes 1,400 in and around East Grinstead alone. None of these have been considered in combination with the allocations in the DPD when assessing the traffic impact.

This cannot be correct.

A 'cumulative' impact is one that increases by successive additions. It is the combined impact of all things added together.

Mid Sussex District Council only assess the incremental traffic impact of the DPD site allocations and have therefore not followed the process required by the NPPG. This approach is therefore also in conflict with the 2021 NPPF paragraph 111.

It is not sufficient just to assess all the DPD site allocations together ... if 'cumulative' is to mean anything at all, its proper interpretation dictates that the DPD allocations need to be assessed TOGETHER with development schemes already in the pipeline. This is the only way to assess the real impact of traffic joining the road network in the future and it is the method prescribed by the NPPG.

The Council's position has striking similarities with the appellant's case in the Land at Kidnappers Lane Recovered Appeal [APP/B1605/W/14/3001717]. The Appeal Inspector rejected the appellant's case that the existing situation can be disregarded and reaffirmed that it is the cumulative effect of all expected development which must be taken into account.

The Secretary of State agreed with the Appeal Inspector and a legal challenge mounted by the developer was dismissed by the High Court (see Appendix 1 for the salient details).

Despite failing to assess the cumulative impact, Mid Sussex District Council confidently say that there is no evidence to demonstrate there would be serious traffic issues in relation to SA19/20.

The Council's own matter statement (msdc-02f-miq-matter-6) describes how the traffic impact of the DPD allocations was assessed on its own and NOT in combination with other committed development. We were greatly encouraged by the Inspector's question to the Council asking whether "the cumulative impact should be the determining factor in assessing traffic impact?". The Council's response reaffirmed the requirement to test a cumulative impact but then described a process in which it wasn't tested!!

By assigning the very significant quantum of committed development to the Reference Case and comparing

the overall traffic impact against the DPD Allocations PLUS the Reference Case; the impact of the committed development was simply factored out of the equation.

We were disappointed that the Inspector failed to pick up on this.

Notwithstanding the failure to correctly assess the 'cumulative' impact, the Council's Reference Case predicts that all the primary junctions in and around East Grinstead will be operating over capacity. The extent of this over capacity is understated ... not only as the result of baseline junction capacities being under recorded but also due to the committed development tested in the Reference Case NOT being updated to reflect the published commitments to April 2021.

There is no obvious justification for this.

4. Up to date traffic evidence has been ignored

The Council also, somewhat cynically, refuse to include the most up to date and reliable traffic data for the Felbridge junction in their evidence base. The results from the detailed traffic survey, which they jointly commissioned, were available prior to the regulation 18 consultation and showed that the junction was already significantly over capacity at that time.

The Council say that the WSP investigation is still in draft form as no workable junction improvement options have been identified. However this cannot reasonably apply to the underlying traffic survey, which was based on observations at the time and therefore neither sensitive nor work in progress. Surrey Highways, who jointly commissioned the survey have recently released the detailed traffic data into the public domain.

In responding to the many calls for the 2018 WSP traffic survey results to be included in the DPD evidence base, the Council simply say in Appendix 9 of the Regulation 22 Summary, that the WSP study is not relevant.

A statement that was not reasoned.

Once again, we were encouraged by another of the Inspector's initial questions which asked the Council to explain "the principal conclusions of the WSP study". In their response (msdc-02f-miq-matter-6), the Council failed to mention the study's material findings on junction capacity. Instead they said that the WSP study is not required to address the impact of the DPD and therefore of no direct relevance and that no conclusions could be drawn from the study.

This is clearly NOT true.

Even the most casual observer could conclude that the WSP study found that the Felbridge junction was operating well over capacity as early as 2018.

When asked to explain why their calibrated transport model was so wide of the mark when predicting the Felbridge junction baseline capacity, the Council simply say that the SATURN modelling used for the district-wide study had a different purpose to the detailed LINSIG modelling designed for individual junctions. While this must be correct, it must also bring into question the reliability of the model validation.

The Council stopped short of addressing this question!

We are therefore left to conclude that the Council simply found the WSP findings inconvenient ... in that they undermined the findings of the Strategic Transport Study relied upon to support the DPD.

As a consequence of the WSP traffic evidence being ignored, the District Council along with their Competent Highways Authority are liable to be challenged over not properly validating the transport model.

We don't know whether the obvious flaws in the Strategic Transport Model disguised an otherwise severe impact on the road network in East Grinstead. But without a 'severe impact' the DPD is not required to deliver any highways mitigation ... which in turn means that any developer funded road improvements are 'nice to have' and not an essential condition of SA19/20 going forward.

The Strategic Transport Study does however acknowledge that significant mitigation of the A264/A22 would be required to significantly reduce the congestion at the Felbridge junction and that to be fully effective would require land outside the highway boundary.

But if, as usually turns out to be the case, there are no practical or cost effective solutions identified or that there is simply insufficient funding to deliver a solution, then the roads will stay as they are and the traffic from SA19/20 will simply add to the unacceptable levels of congestion and rat-running.

For both regulation 18 and 19 consultations, West Sussex Highways acknowledged that local junction improvements may not be deliverable and requested the District Council to update the DPD to reflect this.

However, these requests were ignored without explanation.

5. Committed highway schemes have not been implemented

The following committed highway improvements for the Felbridge and Imberhorne junctions are overdue with little prospect of delivery ...

- Synchronisation of signals at Felbridge and Imberhorne Lane junctions were developer funded and a condition of West Sussex Highways withdrawing their highways objection to the Oaks development in 2011 – Surrey Highways have confirmed that the synchronisation has not occurred due to technical difficulties and is likely to be unworkable as the result of flow interruptions due to bus stops, side roads etc.
- Reconfiguration of the Felbridge junction A264 approach arm for both lanes to turn right towards East Grinstead has been used as mitigation for several large schemes – Surrey Highways do not support this scheme and confirmed that it has been tried before but immediately withdrawn due to an unacceptable increase in collisions.
- In the last 10 years, several large schemes have made substantial contributions towards the cost of the Atkins Stage 3 junction improvements to help offset the impact of additional traffic. These highway interventions have been factored into the Council's strategic transport models since 2013, but West Sussex Highways say that there is still no timetable for their implementation.

To ensure that effective traffic mitigation is actually delivered, we respectfully ask the Inspector to consider making it a condition of approving SA19/20.

Appendix 1 - High Court Ruling re: Residual Cumulative Impact

In August 2014, the planning committee for Cheltenham Borough Council refused a planning application by Bovis Homes in respect of a residential development of 650 homes. This was against the advice of planning officers and the local highways authority didn't raise any objections to the scheme.

The decision notice lists unacceptable traffic congestion as one of the reasons for refusal.

Bovis Homes appealed the decision and a public inquiry took place in September 2015. They argued that detailed transport studies showed that the local roads were already severely congested but that the additional traffic wouldn't make things much worse ...

- *"there would be limited practical difference in terms of traffic impact on the local road network whether or not the appeal scheme proceeds"*
- *"The highways network around the site suffers some congestion but the NPPF test is whether the additional impact of a scheme would be severe"*
- *Shurdington Road is already overloaded. Existing traffic on Shurdington Road would be displaced onto other routes by traffic from the development*

The Council employed consultants to review the transport work supporting the scheme and argued that ...

- *"In limited time, the review identified faults in the transport analysis. More time would have uncovered more faults. A defensive response to criticism and a lack of transparency engenders suspicion that there is something to hide."*
- *"Traffic forecasting and modelling was undertaken using the Council's SATURN based model. It is not inherently unreliable but it is a strategic model, outputs from which need to be adjusted to obtain the detail relevant to consideration of this development. There are concerns about its accuracy for this purpose."*

The appeal inspector rejected the developer's arguments and in January 2016 gave his reasons ...

- *"It is an often-expressed view that development should be expected to do no more than 'wash its own face' and not solve all existing unrelated problems. In relation to transport, that appears to be the view of the appellant, the local authority and the local highway authority."*
- *"The third bullet of NPPF paragraph 32 refers not to the additional impact of a scheme, as the appellant asserts but to residual "cumulative" effects, implying that it is the cumulative effect of all expected development which must be taken into account, rather than the individual contribution of each development in turn, which is likely to be (as in the present case) marginal."*
- *"Whilst I can agree therefore, that the development should not need to solve all existing unrelated transport problems, the existing or future "in any event" situation on the highway network, is not an unrelated problem which evaluation of the proposed development should ignore. It is a related problem which is highly pertinent to the evaluation of the current appeal proposal."*

Due to the strategic nature of the Bovis Homes scheme, the Secretary of State intervened ... upholding the view of the appeal inspector and dismissing the appeal in May 2016.

In his judgement he agreed with the Inspector's analysis of highways issues ...

- *Overall, he agrees with the Inspector that, taking account of the measures which are included in the s106 agreement, the residual cumulative effects of development proposed would increase demand for use of sections of the highway network which are already operating at over-capacity levels, contributing to a severe impact on a wider area of Cheltenham as traffic is displaced, contrary to both adopted and emerging policies. Paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*
- *The Secretary of State concludes that granting permission for the appeal scheme would be contrary to the development plan overall due to the severe residual cumulative transport impacts.*

Bovis Homes challenged the validity of the Secretary of State's decision on a misinterpretation of 'Residual Cumulative Impact' and applied to High Court to overturn it.

In September 2016, Mr Justice Holgate presided over a hearing to consider whether there was a case to answer.

He was not persuaded that the Inspector and Secretary of State erred in law by taking into account of the existing highway situation when resolving the paragraph 32 NPPF questions. In particular, the Judge noted that it would be open to a decision taker to rationally conclude that a given development could wash its own face in highway impact terms, but due to existing over capacity, the residual cumulative impacts of the development could be severe.

- *"The conclusions of the Inspector and the Secretary of State adverse to the Bovis proposal rested on the third bullet point of NPPF paragraph 32, the second half of which is the relevant provision. It reads: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*
- *"He recorded in paragraph 221 the view of Bovis Homes and also the local authority and the County Council, that the development should be expected to do no more than "wash its own face" and not solve all existing unrelated problems. He contrasted that with the position of third parties pointing out that the existing situation into which the development would be placed is already not suitable in terms of highway capacity and that the future situation would be far worse, and therefore even less acceptable, as a location for the development of 650 dwellings."*
- *"Taking up the third bullet point of NPPF paragraph 32, the Inspector pointed out in paragraph 223 of his report that the Framework refers not simply to the additional impact of the scheme, as had been asserted by the appellants, but to residual "cumulative" effects, implying that it is the cumulative effect of all expected development which must be taken into account in context rather than just the individual contribution of each development in turn which is likely to be, as in the present case, marginal."*

- *"In view of his earlier reasoning there was no need for the Inspector to rely in addition upon circular 2/2013, but it did serve to emphasise that the existing levels of congestion were relevant, and not irrelevant as some parties had contended, to determining whether there would be severe residual cumulative impacts in breach of paragraph 32 of the NPPF if the proposed development were to go ahead."*
- *"Furthermore, and in any event, it is also plain from paragraphs 14 and 32 of the Secretary of State's decision letter that he correctly applied the "severe residual cumulative impact" test in the NPPF and not any different test. It cannot be said that the decision-maker has misinterpreted paragraph 32 of the NPPF. Nor can it be said that in using his judgment regarding the application of that test, he has misapplied it in such a way as to be open to challenge on public law grounds"*

The High Court rejected the challenge and in doing so made an important ruling on the correct interpretation of the National Planning Policy's meaning of residual cumulative impacts of development.

<https://www.bailii.org/ew/cases/EWHC/Admin/2016/2952.html>

MM16 – Updated Housing Trajectory

The primary objective of the DPD is to meet the residual housing need identified by the District Plan Examination in 2018 and to allocate sufficient housing sites to address the residual need for the district between 2024 and 2031.

The regulation 18 version of the DPD confirms the residual need to be 1,507 homes ...

"2.25 The revised housing supply figures set out in Table 2.3, illustrates that following consideration for updated completion, commitments and windfall figures that the residual currently necessary to fully meet the district housing requirement is 1,507 dwellings as at April 2019."

The regulation 19 version of the DPD shows that the residual need had reduced by 227 ...

2.29 The revised housing supply figures set out in Table 2.3, illustrates that following consideration for updated completion, commitments and windfall figures that the residual currently necessary to fully meet the district housing requirement is 1,280 dwellings as at 1st April 2020.

And the latest main modifications version of the DPD shows the residual need had fallen by a further 483 ...

2.29 The revised housing supply figures set out in Table 2.3, illustrates that following consideration for updated completion, commitments and windfall figures that the residual currently necessary to fully meet the district housing requirement is 797 dwellings as at 1st April 2021.

So in the two years it has taken to progress the DPD to the Main Modification stage, the number of houses it set out to allocate has officially reduced by very nearly half, from 1,507 to 797 homes.

This excludes the new homes approved in the 10 months since April 2021.

Of course there is no justification for ignoring these latest approvals in the latest version of the DPD as the Council will be fully aware of them. Using the information published on the Council's website we have reviewed the planning approvals since April 2021 and excluded those already included in the published list of housing commitments (MSDC-06b).

We have calculated the up to date residual need is now around 400 homes ... which leaves us with the very probable conclusion that the uplifted trajectory will be fully met by 2024/25 without needing to allocate any further schemes in the DPD.

However, the main modification version of the DPD still allocates schemes for a total of 1,704 homes. This represents an official oversupply of 907 as at April 2021 ... and using up to date figures, an oversupply nearer to 1,300.

Despite the Council's position stated during the public hearings that they do not accept the need for a buffer due to the robustness of their housing commitments; some level of oversupply is clearly prudent.

Tests of soundness require the Plan to be proportionate and justified. We don't believe that a fourfold oversupply meets these tests ... especially as there are very legitimate arguments which bring into question the sustainability of the 750 homes allocated at SA19/SA20.

MM22 – SA20 SANG monitoring

First of all it is worth reiterating that the residual housing need identified at the examination of the District Plan was made conditional on there being no further harm to the integrity of European Habitat Sites in Ashdown Forest. This was clearly stated in paragraph 65 of the Inspector's final report dated 12th March 2018.

The Council have not presented any evidence to demonstrate that allocations in the DPD would not result in further harm to the Ashdown Forest SPA.

Main Modification MM22 adds wording relating to SANG provision and mitigation by adding a requirement for regular monitoring of the proposed SANG. However, The District Council are already committed to monitoring the effectiveness of their SANG mitigation under DP17 ... and therefore MM22 is somewhat superfluous.

Of course, committing to regular SANG monitoring doesn't mean that it will happen. Despite a similar commitment to regular monitor the existing Ashplats Wood SANG, no monitoring had been undertaken since becoming operational in 2015. Although the latest Habitats Regulation Assessment (HRA) says that visitor surveys have now been undertaken following the examination hearings in June.

One of the Council's post-hearing actions was to demonstrate the effectiveness of their existing SANG mitigation; but their response (MSDC13) was far from compelling and presented no evidence to show that the Ashplats Wood SANG had been successful in reducing visitor pressure on the Ashdown Forest SPA.

The Council clearly believe that SANG effectiveness is a forgone conclusion.

We submitted our own response (REP2383-010) highlighting the lack of evidence in the Council's post-hearing written submission and we are disappointed that our concerns have been apparently dismissed.

A further commitment to regularly monitor the proposed SANG as set out in the MM22 is clearly welcome; but what if monitoring shows that the SANG isn't successful in reducing visitor pressure from new development?

The Habitats legislation is clear that decision makers are required to apply the precautionary principle in evaluating adverse impacts on a protected site. In simple terms this means that it is 'better to be safe than sorry'. This surely mandates that approval of sites SA19/20 should depend upon the results of the visitor surveys carried out in June.

The Council have currently no evidence to demonstrate the success of their Ashdown Forest mitigation strategy and it would be premature to allocate SA19/20 prior to the forthcoming publication of the evidence provided by these visitor studies.

Indeed the approval of large scale housing within the accepted zone of influence with no evidence to support the HRA claim that adverse impacts can be ruled out is potentially open to legal challenge.

2527

Site Allocations DPD: Main Modifications Response

Main Modification: MM22

ID: 25270
Response Ref: 2527/1/MM22
Respondent: Will Lightburn
Organisation:
On Behalf Of:

[REDACTED]

From: Will Datsun [REDACTED]
Sent: 23 January 2022 18:19
To: Policy Consultation
Cc: [REDACTED]

Subject: Comment on MM22 SA20

[Some people who received this message don't often get email from [REDACTED] Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Dear Mr Fox

RE:SA20. Main Modification MM22

<https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.landwestofimberhornelane.co.uk%2Fmasterplan%2F&data=04%7C01%7Cpolicyconsultation%40midsussex.gov.uk%7C318a2caef23a41e229f208d9de9ce2a8%7C248de4f9d13548cca4c8babd7e9e8703%7C0%7C1%7C637785587663073247%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Iik1haWwiLCJXVCi6Mn0%3D%7C3000&sd=0&reserved=0>

With regards to the SANG talked about in MM22 I noticed Wellbeck Land have published an incorrect map. They have included an area they are claiming will be SANG when it will not, the land does not even belong to Mrs. Emmett, and the owner of the land in question had no knowledge of it even being included in this site allocation proposal until I brought it to their attention and showed them the map. Whether this was intentional or a genuine mistake by Wellbeck.. your guess is as good as mine. This same incorrect area has been used on the council's map. Maybe the council have not noticed the problem either?

Maybe you are aware of this SANG size error already, but if not, you may contact me directly and I can explain / show where it is wrong. As it stands the map and therefore the proposed site allocation should be considered void, a correct / accurate map should be published and the site particularly with regards to the SANG area and therefore the size of the housing estate should be looked at again once we can all see the real map.

Will Lightburn
[REDACTED]