

Statement from Mrs Jacqueline Simmons (Resident).

Regulation 19 references 1189185, 1191239,1191333,1191339 & 1191343

Matter 6. The selection of sites for allocation in the plan

The rationality and effectiveness of the site selection process.

a) The soundness of the process which led to the inclusion of site allocations in the plan and the exclusion of other sites, including the consideration of mitigation measures to address constraints

I wish to make the following comments on Matter 6, based on my previous submissions and also on events and information made known after submissions were made for the previous examination in 2024.

- 1) There are still questions of whether the selection criteria was applied with equal weight to all sites and therefore sound. What were seen as constraints that could not be mitigated in one site were stated as being able to be mitigated in another with similar or near identical issues. Proposed developments of a similar size are deemed to be too large for one community but are considered acceptable for another similarly sized community. Inconsistency of implementation makes the process unsound and can cause disagreement if the original work is checked by the same people who originally made the conclusions. Transparency showing a clear separation between the two groups of people would help make the plan sound and more acceptable.
- 2) MSDC policy is that the scale and extent of development within the High Weald National Landscape (AONB) should be limited. The site selection process, though, seems to take this point to mean that no development should take place within it, regardless of its site location in relation to the existing built up boundary of the community, or the quality of its surroundings. The process with regards to the village of Ardingly could be seen as an example of this. This approach prevents the growth and viability of those communities which calls into question its soundness. The site selection policy should follow the policy of *limited* not *none* to be sound.
- 3) There was a lack of clarity and evidence from MSDC as to what information was used to score the various sites and how and on what basis certain issues such as timings and distances were calculated. This does not give robustness to results so more clarity is needed to make the process sound
- 4) The majority of the assessment was desktop based. Where mention is made of site visits no copy of the subsequently generated report clarifying what took place has been issued. It is unclear as to what actual real knowledge of the sites those carrying out the assessment actually had. More clarity is needed for soundness.
- 5) It is to be noted that selection as an allocated site replaces the need for the applicant to obtain outline planning permission as it automatically presumes that the site is suitable for development. However to obtain outline planning permission far more evidence has to be produced by the applicant and a greater degree of certainty is needed. Clarity is needed to confirm that the choice of sites to be allocated for development in the plan has and been done with the same robustness as sites given permission for outline planning permission. This would produce soundness.
- 6) With regards to the selection process, the site criteria used lacks robustness due to narrowness, omissions and lack of clarity. Below are some of the issues
 - a) Criteria 1 Landscape - the assessment section only mentions the effects of the development on High Weald National Landscape (formally AONB). It does not mention the South Downs National Park. It is noted that under this assessment, any other landscape in the district, such as the Low Weald, is judged to no value at all by the council. This raises the question as to if the criteria is too narrow to be able to protect the landscapes in the district as a whole.

- b) Criteria 2 Flood Risk – the assessment was only based on Environment Agency Flood Risk Zones which are based on river flooding. There are very few rivers in the Mid Sussex District and the majority of flooding that occurs in it is surface water flooding. The MSDC Strategic Flood Risk Assessment used was out of date throughout the site selection process. When a new version was produced in 2024 it was rushed, incomplete and lacked value as the site selections had already been made and MSDC showed no willingness to change them.
- c) Criteria 4 Biodiversity – was based only on existing recognised designated sites. The majority of the land being proposed for development would have been in private ownership so not previously accessible to be able to identify new sites for designation and safeguard components of local wildlife-rich habitats and wider ecological networks. By the site being put forward for development this situation changed and access was now available. The criteria, however ignored this. Also not clear if MSDC did more than just note any input from Sussex Wildlife Trust
- d) Criteria 5 Listed Building – should also have included non-designated heritage assets as per NPPF point 216.
- e) Criteria 10 Availability of Public Transport – Not clear what start/end point to be used in calculating distances to bus stops nor how it was to be evidenced. In the case of bus frequency it is unclear how many hours during the day and how many days during the week bus services needed to reach the specified frequency of each assessment level to be able to qualify for it.
- f) Criteria 11 Access to Main Service Centre – did not take into account frequency of bus services in calculating the length of time of bus journeys.
- g) Criteria 12 Distance to Primary School – not clear if the times taken to walk to the school were calculated for an adult or a child.
- h) Criteria 14 Distance to Local Convenience Retail – Did not take into account the size of the store and how much capacity it still had to be able to serve a new larger community.
- 7) All of the above issues in point 5 leave to less than robust conclusions concerning site suitability and would need to be addressed and clarified to produce a clear sound and supported plan.
- 8) The word mitigation is mentioned many times in the selection process and is relied upon for justifying that negative impacts on sites can be made sustainable enough for the site to be allocated. However it is hardly ever explained what the mitigation required to deal with the issue actually is to provide that sustainability.
- 9) MSDC in point 39 page 9 of their District Plan Review: Site Selection Methodology October 2023 state that *“It may be possible to improve the impact against certain criteria by mitigating negative impacts. However, in order to provide a consistent approach, it is not for the Council, at this stage, to establish the specific mitigation that would be required in order to improve any negative impacts.* In point 40 of the same report also on page 9 they advise. *If any specific mitigation measures/infrastructure provision has been provided by site promoters within their site submission or subsequent correspondence, these will be considered when undertaking the assessments. If the promoters do not provide this information, it will be assumed that no mitigation/additional infrastructure is to be accounted for within the assessment process.”*
- 10) MSDC therefore use mitigation as a reason to give a site a more positive score in their site assessment process but without any real evidence to validate and support using it. Similarly it also used it to reject sites. This makes the plan unsound and the issue should be addressed to obtain soundness.
- 11) I have already addressed in my response to matter 2 a point concerning the overestimation of gross potential house yields used in the site assessment plan.
- 12) There is also concern that the site selection process was not robust or sound enough to correctly identify showstopper sites at point 2b in the process. The following example is concerned with the Site Selection Process and not with the merits or demerits of the application itself.

13) the site Land at Ansty Farm, Ansty (736) was not judged at stage 2b to have any significant constraints that would impact its delivery so therefore not considered a showstopper. It was declined at stage 3 over highway issues that could MSDC stated could not be mitigated. The applicant then applied separately for planning permission DM/23/2866. The previous highway issues were found to be able to be mitigated but the application was refused by MSDC because of a high impact on the High Weald National Landscape (AONB) and countryside. That particular reason would have counted as a showstopper under the Landscape Site Selection criteria of the plan at stage 2b, but the assessment of the criteria failed to pick this up and identify it as such. This therefore raises doubts as to how robust the criteria was at identifying such sites, how many more were also misidentified and the soundness of the process itself. This would need to be clarified to produce soundness in the plan.

14) The District Plan 2021 - 2039: Site Selection Conclusions Paper October 2023 Significant Sites: Conclusion points 3.36-3.38 seems to indicate that some sites were confirmed for selection by comparing them to other such sites and the one deemed best was chosen. This gives the unfortunate appearance of MSDC attempting to limit the amount of housing sites chosen not maximizing it to allow for the robust meeting of Unmet Need and Headroom. All sites should only have been assessed against the criteria and all that met that criteria should have been chosen and this should be demonstrated by the Plan if it is to be considered sound.

b) The rationale behind the selection of the strategic and larger site allocations

15) There are worrying signs that subconscious bias has crept in with some site selections where for non-strategic reasons the site has been regarded more or less favourably by MSDC in the assessment process. A hypothesis for a spatial strategy had been proposed and the onus on the assessment was to focus on proving it instead of just simply judging sites against the criteria to determine suitability. This makes the Plan unsound and should be addressed by independent examination to confirm soundness.

16) Some reports used for the basis for assessment have been produced which give a sense that they had predetermined the result of the assessment before the process had actually started. The assessments could then be sub consciously led by to produce the desired result. More transparency about the independence of the selection process from this is required to make the plan sound.

17) The site selection process comes across as having the appearance of taking a deliberate more positive view and judgement against the criteria when dealing with large sites that MSDC were particularly favourable to in order to achieve the housing target, than it did with smaller ones. Please see my Reg 19 submission 1189185 section 2d pages 13-17 for examples of this.

18) In the case of larger sites the possibility of the use of unsubstantiated mitigation to deal with negative aspects gives an even greater cause for concern. The large difference between the amount of supporting evidence required for an outline planning permission request and a site allocation award in order to determine if a site is suitable for sustainable development then becomes even more critical. It should be clear what mitigation MSDC is referring to and how it has been evidenced to be achievable in order to give the process soundness.

19) The rationale of choosing sites with reliance on entirely new infrastructure to mitigate, and validate the sustainability of the site, is high risk. If it cannot be provided or its delivery delayed but the new houses have already been built it would then mean an unsustainable community. This is particularly the case if the site is not close to an existing town where alternative infrastructure could be accessed instead. This risk has not been considered enough to make the plan sound.

20) Several of the strategic sites have since submitted planning applications, DPSC4 (DM/25/1434), DPSC5 (DM/25/2661), DPSC6 (DM/25/3067) and DPSC7 (DM/26/0238) whose updated documents can be found on the MSDC Planning Portal. WSCC and the NHS has also commented on these developments regarding S106 and other financial contributions. These new submissions also include their up to date comments concerning the delivery of infrastructure for these sites and also Sayers Common as a while, which also affects site DPSC3

as well. This particularly related to Schools and health services and should be consulted as additional evidence in this matter to confirm that assumptions about infrastructure and the sites are robust and sound.

Conclusion

The process which led to the inclusion of site allocations in the plan and the rationale behind the selection of the strategic and larger site allocation lacks robustness. It has not been applied with the same level of consistency, strictness and judgement to all of the sites so cannot be shown to be sound. More information from, and thought given to the process is required from MSDC and independent examination is needed to deal with the issues listed above that are preventing the soundness of then Plan.