



Representation to the Examination of the Mid Sussex District Plan 2021-2040 – Matter 6

**DMH Stallard LLP on behalf of Riverdale Land South of Henfield Road, Sayers
Common**

February 2026

Introduction

This representation is submitted on behalf of Riverdale in response to the Matters and Issues ("IDJB-05") raised by Inspector Jonathan Bore for the examination of the Mid Sussex District Plan 2021-2040 ("the DP"). This representation responds to the Inspector's Matter 6 questions concerning the selection of sites for allocation in the DP, with particular reference to the rationality and effectiveness of the site selection process.

Riverdale acknowledges the Council's significant work in preparing the Strategic Housing and Economic Land Availability Assessment (SHELAA) and Sustainability Appraisal (SA), and the considerable effort involved in the site selection process. However, notwithstanding these positive attributes, certain aspects of the Council's approach to site selection require further scrutiny to ensure the DP is sound and that the site selection process has been conducted rationally and consistently.

As set out in Riverdale's Matter 1 and Matter 2 Statements, the DP does not currently make sufficient provision for housing and additional allocations are required to achieve soundness. This Matter 6 Statement addresses how the site selection process has contributed to that insufficiency and identifies specific inconsistencies in the Council's approach, particularly in relation to land parcels that were expressly identified for investigation at the Regulation 18 Policy stage but were not carried through into the Regulation 19 DP.

Riverdale does not seek to challenge the Council's site selection methodology per se but rather to highlight that the methodology was not applied consistently, and that the progression from Regulation 18 to Regulation 19 has not convincingly explained the exclusion of land parcels that were expressly identified for investigation at the earlier stage of plan-making.

Matter 6: The Selection of Sites for Allocation in the Plan

The rationality and effectiveness of the site selection process

Summary of Key Concerns

Riverdale's principal concerns regarding the site selection process are as follows:

- Specific parcels of land were expressly identified in draft policy at Regulation 18 stage, (DPSC2 as it was then, now DPSC3), as having potential for integration with the strategic expansion of Sayers Common, yet no evidence exists that the contemplated investigation was undertaken before the parcels were excluded at Regulation 19 stage.
- Those parcels were rejected in the SHELAA at Stage 2(b) on the basis of distance from the nearest settlement, without any consideration of the relationship to draft allocation DPSC3, contrary to the approach signalled at Regulation 18 stage.
- Inconsistencies in the application of site assessment criteria between Regulation 18 and Regulation 19 stages raise questions about the rationality 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

The Site Selection Methodology

The Council's site selection process involved assessing sites against fourteen assessment criteria set out within a Site Selection Methodology paper, covering a range of topics including national policy requirements and national and local designations, to determine their suitability for allocation. Following this assessment, 42 reasonable alternative sites for housing, and two reasonable alternative sites for C2 use, were identified at Regulation 18 stage.

Riverdale does not challenge the fundamental methodology. However, for a site selection process to be sound, it must be applied consistently and rationally across all sites, and the progression from one stage of plan-making to the next must be supported by evidence and clear reasoning. In the case of the land parcels referred to at Regulation 18, e.g. site 1124 in the SHELAA, this has not occurred.

The Regulation 18 Position

The DP at Regulation 18 stage clearly envisaged additional work being carried out in respect of the potential for further land to be integrated into the strategic expansion of Sayers Common. On page 116 of the Regulation 18 DP, within the draft policy wording for what is now DPSC3, it states that:

"Opportunities to improve connectivity and master planning between the eastern and western parcels of the site, by inclusion of further land parcels on the southern boundary, should be investigated".

This can only refer to the Land South of Henfield Road, promoted by Riverdale, which is made up of SHELAA site 1124 and a further connected land parcel fronting Henfield Road, which are the only land parcels on the southern boundary of DPSC3 capable of connecting the eastern and western parcels of what was then draft allocation DPSC2 (now DPSC3). The Regulation 18 policy wording was not merely permissive; it was directive. The Council expressly indicated that integration of further land parcels *"should be investigated"*.

The Failure to Investigate

The contemplated investigation was never carried out. There is no evidence in any of the Council's published documents that the potential for the land parcels to be included within or alongside DPSC3 was ever assessed following the Regulation 18 consultation. Instead, the reference to investigating opportunities for inclusion of further land parcels on the southern boundary was simply removed from the policy wording at Regulation 19 stage without explanation.

This is a material gap in the site selection process. The Council identified, in a published draft plan, that a particular exercise should be undertaken, and then failed to undertake it. The exclusion of reference to these opportunity land parcels from the Regulation 19 Plan does not reflect any change in site circumstances or suitability; rather, it reflects an unexplained decision not to pursue the investigation that the Council itself had identified as necessary.

The SHELAA Assessment

Site 1124 was rejected in the SHELAA at Stage 2(b) on the basis of its distance from the nearest settlement. This conclusion failed to take into account its relationship to DPSC3, which is the very matter that the Regulation 18 policy had identified for investigation.

The SHELAA assessment treated Site 1124 as if it were a freestanding location remote from services and facilities. However, it is surrounded on three sides by draft allocation DPSC3, which will deliver approximately 2,000 new homes together with a neighbourhood centre, primary school, and other community facilities. Its relationship to this strategic allocation, and the services and facilities that DPSC3 will provide, was not explored, or considered further, but should have been.

This represents an inconsistency in the application of the site selection methodology. Sites that form part of or are adjacent to strategic allocations should be assessed by reference to the services and facilities that those allocations will deliver, not by reference to existing settlement boundaries that will be superseded by the DP's own proposals.

Consistency of Scoring Between Sites

The Sustainability Appraisal (SA) Environmental Report records that during consultation on the Regulation 18 DP, the Council received several comments from members of the public and consultees on the results of the SHELAA, Site Selection Process and supporting SA. Some of these comments related to questions over the scoring of particular sites and consistency of scoring between sites.

In response, the Council reviewed the site assessment scores assigned against the Site Selection Methodology and updated scores for 14 of the 42 reasonable alternative sites to address concerns over inconsistency of assessment. Additionally, since the publication of the Regulation 18 Plan, eight new reasonable alternative sites were identified and assessed.

Riverdale does not suggest that it was improper for the Council to revisit and update scores where inconsistencies had been identified. Indeed, this demonstrates a proper approach to responding to consultation feedback. However, the same rigour was not applied to Site 1124, which by this time had the added benefit of including further parcels of land along the Henfield Road providing enhanced connectivity with the DPSC3 site.

Whilst other sites had their assessments revisited and updated, 1124 remained excluded on grounds that did not account for its relationship to DPSC3, notwithstanding that the Regulation 18 policy had expressly identified that relationship as warranting investigation.

Amended Criteria and Heritage Assessment

The Council amended two of its site selection criteria between Regulation 18 and Regulation 19 stages in response to comments received from consultees, as well as a review of the National Planning Policy Framework. These updated criteria outlined that for the Site Selection process, any site where scoring concluded 'Less than substantial harm' for Criterion 5 (Listed Buildings) and Criterion 6 (Conservation Area) would result in an updated assessment score of 'negative impact', unless an assessment or review of heritage assets has been undertaken to enable the consideration of potential suitable mitigation.

This amendment demonstrates that the Council was willing to revisit site assessments in light of further technical work. The same approach should have been applied 1124, with the relationship to DPSC3 being assessed rather than it being excluded on grounds that did not reflect the Regulation 18 position.

The Consideration of Mitigation Measures

The NPPF 2023 requires that site selection processes should include consideration of mitigation measures to address constraints. The SA framework adopted by the Council includes both pre-mitigation and post-mitigation assessments, recognising that the application of plan policies can reduce or remove adverse effects identified at the pre-mitigation stage.

For sites that were brought forward as reasonable alternatives, this two-stage assessment was undertaken. However, for sites that were excluded at an earlier stage, including 1124, no consideration was given to whether mitigation measures, including the potential for additional land parcels to be added to improve connectivity, could address any identified constraints. This is particularly significant given that site 1124 shares the same characteristics as DPSC3, for which mitigation measures have been identified and found to be effective and the additional parcels now within the single ownership provide enhanced connectivity with DPSC3.

These collective land parcels are fully contiguous with DPSC3 and would benefit from the same infrastructure, services, and design parameters that the Council has found to be capable of mitigating impacts at DPSC3. The failure to consider mitigation measures for the 1124 represents a gap in the site selection process.

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

The Strategic Approach to Sayers Common

The Council's approach to strategic growth at Sayers Common is set out in draft allocation policies DPSC3 to DPSC7. The DP recognises that significant growth at Sayers Common presents an opportunity for comprehensive and coordinated development that can deliver infrastructure, services, and facilities to meet the needs of both new and existing communities.

Riverdale supports this strategic approach. As set out in Riverdale's Matter 5 Statement, the Site directly advances the strategic objectives for growth at Sayers Common. The rationale for strategic allocations at Sayers Common includes:

- The ability to deliver significant infrastructure including a new primary school, neighbourhood centre, and sustainable transport connections;
- The opportunity for coordinated masterplanning across multiple sites;
- The delivery of 20-minute neighbourhood principles; and
- The location outside nationally significant landscape designations (National Landscape and National Park).

Site 1124's Relationship to the Strategic Rationale

Site 1124 shares all of the characteristics that led to DPSC3's identification as suitable for strategic growth:

- Accessibility to services and facilities provided on-site within DPSC3;
- Ability to integrate with the coordinated infrastructure delivery strategy;
- Location within the brick clay (Weald) Mineral Safeguarding Area, consistent with DPSC3, with potential for mineral sterilisation to be considered in accordance with West Sussex Joint Minerals Local Plan requirements; and
- Location outside the National Landscape and National Park.

Moreover, it offers specific advantages that align with the rationale for strategic allocations:

- **Spatial coherence:** it connects the eastern and western parcels of DPSC3 on the southern boundary, as expressly identified for investigation at Regulation 18 stage. This improves the legibility and coherence of the allocation.
- **Connectivity enhancement:** it would extend sustainable travel corridors and active travel networks, strengthening walking, cycling, and public transport connections across the settlement.
- **Infrastructure viability:** it would generate section 106 contributions that would financially support and de-risk the delivery of infrastructure at DPSC3 and would provide additional population to support the viability of educational and community facilities.

Conclusion

For the reasons set out above, Riverdale respectfully submits that the site selection process, whilst fundamentally sound in its methodology, was not applied consistently or rationally in relation to Site 1124.

The key indicators of this inconsistency are as follows:

- It was expressly identified at Regulation 18 stage as warranting investigation for inclusion within the strategic allocation, but that investigation was never undertaken.
- It was rejected in the SHELAA on grounds that failed to account for its relationship to DPSC3 and the services and facilities that allocation will deliver.
- The SA did not assess reasonable alternative growth scenarios that would have required additional sites to be identified.
- Whilst other sites had their assessments revisited in response to consultation feedback, it remained excluded without the contemplated investigation being undertaken.

For the reasons set out in Riverdale's Matter 1 and Matter 2 Statements regarding the need for additional allocations to achieve soundness, allocating the land parcels to the south of DPSC3 would complete the process that the Council itself commenced at Regulation 18 stage. The Inspector is respectfully invited to regard this as falling within the scope of main modifications to the submitted DP, thereby completing the allocation process that the Council initiated at Regulation 18 stage but did not carry through to Regulation 19.



In directing the Council to identify additional allocations to achieve soundness, the

Inspector may wish to have regard to sites that:

- Are capable of early delivery;
- Are well-related to existing strategic allocations;
- Can contribute towards infrastructure required to de-risk delivery of those allocations;
and
- Were identified at an earlier stage of plan-making as warranting investigation for inclusion.

Land South of Henfield Road, Sayers Common meets all of these criteria. Its inclusion would enhance the effectiveness, deliverability, and resilience of the DP, and would complete the integrated settlement framework already envisaged for Sayers Common.