

Examination of the Mid Sussex Local Plan 2021-2039
Matters, Issues and Questions (MIQs)

Matter 5 (The spatial strategy) part b): *The relationship between the spatial strategy and transport objectives, transport infrastructure and transport constraints.*

National Highways' Statement
Respondent Ref: 1191183

Statement Introduction

1. National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). In respect of the Mid Sussex District Local Plan, the SRN consists of the A23 and M23.
2. National Highways has been engaged with the development of the 2021-2039 Local Plan evidence base for some time, and submitted a hearing statement as part of the previous Mid Sussex District Local Plan Examination process.
3. National Highways' primary concern is the continued safety of those that use our network. Congestion is also a concern, but we recognise that on its own this results in inconvenience to the road user and as set out in NPPF, unless the residual cumulative effects of development are severe, congestion would not be a reason to prevent development on highways grounds.
4. It should be borne in mind that the Local Plan is required only to address the impacts on road safety and congestion which are caused by the development strategy in the Plan. The Plan is not required to also address pre-existing

issues.

5. Prior to the previous Examination, we had been in extended on-going dialogue with Mid Sussex District Council (MSDC) and their transport advisors Systra for a significant period of time. Most recently in 2024, we advised MSDC specifically on the merge and diverge assessment requirements using the outputs from the transport model forecasts. Merges and diverges are sections of highway at grade-separated junctions where traffic joins or exits the mainline carriageway.
6. Merge diverge assessments received in July and August 2024 indicated the need for improvements to various merges and diverges along the A23 and M23 to accommodate all development associated with the Plan.
7. As part of our review of information supplied since our last Hearing Statement, National Highways has now completed reviewing the latest iteration of merge diverge assessment evidence, produced in September 2024, to determine whether this indicates any change to the mitigation requirements of the Plan in so far as the SRN is concerned. The latest evidence [Ref. T11 paragraph 5.2.7 of the report] concludes that five slip road merges/diverges on the A23 trigger the need for an upgrade due to the traffic impacts of Scenario 6m2.
8. Against this background, we have provided below, brief responses to those transport elements relating to matter 5 which are directly relevant to NH's position.

Matter 5. The spatial strategy

The effectiveness and soundness of the proposed distribution of new development in meeting social, economic and environmental objectives, whether it will achieve more than the sum of its parts and whether it will amount to positive planning.

b) The relationship between the spatial strategy and transport objectives, transport infrastructure and transport constraints

Transport Objectives

9. As per our previous Hearing Statement, we are in agreement with the general transport strategy and objectives of the Local Plan, which includes aims to reduce travel demand by private cars through sustainable travel measures, home working and internalisation of trips within mixed-use developments.
10. The Local Plan has also been prepared generally in accordance with the objectives and requirements of DfT Circular 01/2022, including consultation and agreement with National Highways in relation to the assessment methodology for the cumulative impacts of the development proposals, as outlined in our previous Hearing Statement submitted as part of the previous Examination of the Local Plan. Dialogue between (MSDC) and National Highways has been ongoing since 2021. However, the process remains currently incomplete as mitigation requirements or alternatives to mitigation have not yet been agreed and costed. Further details are provided below.
11. Our Regulation 19 representation outlined the potential requirements for physical mitigation to the A23 to safely accommodate the Local Plan development, in the absence of sufficient alternative means of providing for transport needs. Paragraph 43 of Circular 01/2022 states *“Local planning authorities and development promoters are encouraged to identify any potential impacts on the SRN that may result from development proposals and discuss them with the company at the earliest opportunity”*.

12. The Submission Local Plan Review contains policies covering individual allocations and their infrastructure requirements. Some of the transport measures, for example walking, cycling and public transport improvements have been taken into consideration as sustainable measures influencing (reducing) the demand for vehicular transport. These have been used to justify reductions in vehicular demand in the strategic transport modelling looking at the cumulative impacts of the Local Plan on the road networks.
13. In our judgement, the evidence produced for the submission Local Plan to date has been consistent with national policy. However, the evidence is incomplete as it pointed towards likely mitigation requirements without additional evidence to demonstrate how additional traffic can be accommodated on the strategic road network or can be further managed down to acceptable levels.

Transport Infrastructure

14. As stated above, the overall transport evidence at this stage is not conclusive with regards to the SRN, however, a need for highway improvements at various locations along the A23/M23 corridor is likely to arise towards the end of the new Local Plan period in 2039, as noted in the Statement of Common Ground signed between Mid Sussex District Council (MSDC) and National Highways (NH), and our previous statements to the Local Plan examination. However, this is dependent on the actual change in traffic movements over the plan period.
15. Priorities for investment on the SRN are set in the Road Investment Strategy (RIS). The current RIS includes no plans to improve the A23. The focus of RIS 3 (2026-2031) will be on maintenance and renewal as highlighted in the interim statement for 2025/26 published by the Department for Transport on 24 March 2025 [Ref: para.4.3]. Even if there were plans, there cannot be a presumption that such infrastructure necessary to support planned growth in the Local Plan will be funded through a future RIS, as made clear in Circular 01/2022, para.29. The preference would be for transport schemes and policies to be put in place, including sustainable and active travel, such that the need for improvements to the A23 as a result of development induced traffic growth, does not actually arise.

16. To allow for this uncertainty, we recommend that a Monitor and Manage (M&M) approach be adopted to refine the transport strategy for the Local Plan, in so far as the A23 and M23 are concerned. Such a strategy would react positively to observed changes of travel behaviour and travel demand. We have noted that Topic Paper MS-TP1 ('Updates since Submission', January 2026) highlights that MSDC endorse the Monitor and Manage approach, which we welcome.
17. The current Infrastructure Delivery Plan (IDP) which forms part of the Plan evidence base, references various issues at junctions along the M23/A23 route, including the A23/A2300 Hickstead Interchange, the A23/B2118 junction and the A23/A272. As referenced above, we have completed the process of fully reviewing the September 2024 Merge/Diverge Assessment and can concur with the findings of the report which indicates several locations where there are forecast to be significant additional Local Plan related traffic sufficient in National Highways' judgement to have the potential to pose new safety risks in some locations or additional safety risk in others. It does, however, appear possible that the assessment methodology potentially overestimates the future traffic forecasts.
18. Going forward, the IDP should be a live document and kept updated, with a trajectory for build-out and timing of essential infrastructure and a review of the effectiveness of measures to manage down traffic impacts. At present, the Infrastructure Delivery Schedule within the IDP lacks details on the trajectory of development during the plan period and phasing of essential infrastructure and it is unclear to the reader when essential transport infrastructure needs to be phased alongside the build-out of the development strategy. This would allow the reader to understand at what point in the development cycle essential infrastructure needs to commence and be open to traffic. The M&M process can keep this under review and provide prompts for interventions to keep on track with the delivery of vision-led development. We note that the Crawley Infrastructure Delivery Schedule within their IDP is an example of how this could be done.
19. The scope and cost of necessary mitigation on the A23 and M23 is also yet to

be agreed. We suggest that the locations noted in the IDP which form part of the SRN are updated to include reference to a figure equivalent to a viability tested amount for each associated development, as the associated cost to facilitate a M&M strategy, collected via Section 106 agreements. This may provide some flexibility to the LPA around future uses of money collected, which is an approach we have experience with that has been adopted elsewhere, for example the Chichester Local Plan.

20. We have also separately proposed changes to the Infrastructure Delivery Schedule (IDS) within the IDP to ensure it accurately reflects our role, i.e., we will govern 3rd party projects on the SRN (through section 278 agreements under the Highways Act) but will not accept contributions, project lead, fund or deliver them, in line with DfT Circular 01/2022. That is a matter for the Local Planning Authority (LPA) and developers to address rather than NH.
21. We see the Transport and Infrastructure Management Group (TIMG) set up prior to the previous examination period (of which we are an active member) performing an important role in overseeing the M&M process and the updates to the IDP/IDS, focussed on sustainable travel interventions that may be required to negate the need for physical interventions.
22. We note in the Inspector's comments on development management policies (January 2026) that the Inspector considers the proposed Main Modifications reference M54 to policy DPT1 and supporting text "*not necessary... for soundness*"
23. However, we continue to believe that Main Modifications to Policy DPT1 and its supporting text are necessary for the purpose of ensuring that unacceptable highway safety impacts do not arise and a Monitor and Manage approach overseen by the TIMG is developed and agreed with the highways authorities. This will ensure that the mechanism is suitable to monitor and manage relevant impacts and meet the required needs on the road network.

Transport Constraints

24. There are potentially significant constraints on the SRN within the Plan area towards the end of the Local Plan period. There is no certainty that sufficient mitigation can be achieved through the reduction of private car journeys; this has not been demonstrated through the evidence supporting the Plan. The strategic modelling has taken into consideration the measures within the Plan aimed to reduce car journeys based around public transport and sustainable travel measures. Taking these measures into account, forecast 2039 traffic flows from strategic modelling evidence has indicated that many of the merges and diverges on the A23 and M23 will operate with flows in excess of what they are designed to safely accommodate, with the Local Plan scenarios adding significant traffic volumes, increasing safety risks at a number of locations.
25. Should it be the case - following the Monitor and Manage process - that highway improvements to the M23 and/or A23 become necessary in the future, a mechanism will need to be identified to ensure that the necessary highway interventions are in place ahead of the development that triggers the relevant need.
26. As we have suggested above, a Monitor and Manage approach could be adopted to refine the mitigation strategy for the Local Plan, in so far as the A23 and M23 are concerned. Such a strategy would react to observed changes of travel behaviour and travel demand. Such an approach may include:
- further modelling assessment at locations where safety risk has been identified,
 - reasonably detailed designs; and
 - sufficient additional evidence to ensure the safety of any proposed modifications to the network.
27. The Monitor and Manage approach would require the cumulative impacts of the Local Plan to be re-assessed at intervals throughout the plan period, forecasting likely conditions over a shorter timeframe using updated base data from the monitoring process. Such a process would aid delivery of development within

the Local Plan subject to the agreement of the details.

28. Monitor and Manage mechanisms have the advantage of identifying the real future mitigation requirements based on actual changes in travel behaviour, rather than relying on forecasts based on the continuation of historic travel demands over lengthy periods. There remain some uncertainties with this approach, but:

- it is recognised that growth will not stop in the absence of the Local Plan, and
- an agreed, well-structured Monitor and Manage approach gives an opportunity to develop and deliver a transport strategy which is coherent across all modes, and which enables growth and transport infrastructure to move forward together in a timely fashion. In the absence of an up-to-date Local Plan, this opportunity would be lost, and the delivery of necessary infrastructure will be challenging.

29. To summarise, the overall evidence at this stage is not conclusive, however a need for highway improvement along the A23/M23 corridor is likely to arise towards the end of the new Local Plan period in 2039, as noted in the Statement of Common Ground signed between Mid Sussex District Council (MSDC) and National Highways (NH), and our previous statements to the Local Plan Examination. However, this is dependent on the actual change in traffic movements over the plan period. We are still undergoing a review of the latest merge/diverge assessments dated September 2024 and will provide an update in due course. Our position remains that a Monitor and Manage (M&M) approach should be adopted to manage any potential future impacts, in partnership with the existing TIMG group.