



**DPA7 – Land East of Borde Hill Lane (SHLAA site 556)** should be **removed** from the Draft Mid Sussex District Plan (2021-2039), as the underling evidence and judgement made for this site in the Draft Plan are **UNSOUND**.

**Headline points:**

1. MSDC rejected the site in its SHELAA in 2016 as being “**remote from services and facilities**” and “**causing a detrimental impact on the landscape**”. Nothing has changed to mitigate these factors. Nearby Penland Green development was permitted on appeal and with a lack of 5-year housing land supply.
2. The site **does not comply with MSDC’s 20-minute neighbourhood principle** for access to shops, secondary schools, GPs, see LCWIP prepared by PJA for MSDC 2023. Residents will rely almost exclusively on vehicles.
3. The decision to include the site appears to be ‘**site-led planning and not strategy-led planning**’. MSDC is forecasting a surplus 5-year housing land supply in the draft District Plan. There is an oversupply of many hundreds of dwellings against the District Plan (we believe almost over nine hundred). In May 2022, Mike Fox, Planning Inspector in the Site Allocations Development Plan, said that there were no soundness issues over the under provision of development in Haywards Heath. The District Plan Draft submitted for Reg 19 is explicit that Haywards Heath has limited further growth potential because of environmental and infrastructure constraints, and that future growth should be directed to more sustainable settlements elsewhere. The Draft Plan has a set of ‘reasonable alternatives’ that should be pursued to meet requirements without DPA7. Inclusion of the site in the plan would appear to residents of N. Haywards Heath to involve inappropriate influence by ‘developer’ parties given MSDC’s firm view the site was inappropriate for development in 2016.
4. **A technical sustainability appraisal made in 2023 by MSDC in relation to DPA7 is unsound.** Findings are inappropriately positive for housing development and need downgrading based on available evidence. Evidence to support this view is provided in this paper in Annex 1 in relation to Landscape; Flood Risk; Trees; Biodiversity; Listed Building; Conservation Areas; Archaeology; Availability of Public Transport. Details on this is provided below in Annex 1 of this document. It draws upon *Appendix 3 from the document ‘District Plan 2021 – 2039: Site Selection Conclusions Paper, October 2023’*.

5. **Development at this site would permanently change the landscape character and visual amenity of N. Haywards Heath that enjoys a semi-rural character.**

The site is directly adjacent to High Weald AONB land and takes on its characteristics. This site is included in Historic England's description of Borde Hill's Grade II\* Parkland Listing: "*To the ... east, the site's parkland and woodland merge into the adjacent undulating, wooded farmland*". This finding is backed by an independent LVIA by Louise Hooper in 2022. A Sustainability Appraisal by JBA Consulting (Nov 2023 – Objective 8, Landscape) proposing the site says: "*This assessment comprises a deskbased exercise which has not been verified in the field. Therefore, the nature of the potential impacts on the landscape are, to an extent, uncertain. However, there is a risk of negative effects occurring.*" This latter desk study should be viewed as flimsy given its desk-based approach.

6. **The site has unresolved risks related to floods and foulage drainage.** The application does not demonstrate that foul drainage and clean water infrastructure can accommodate 60 dwellings without harm. The National Planning Policy Framework (NPPF) paragraphs 159–169 require that development is directed away from areas at risk of flooding and that it does not increase flood risk elsewhere. Policy DP41 (Flood Risk and Drainage) of the Mid Sussex District Plan requires development to manage surface water sustainably and ensure no increased flood risk on or off site.

A recently submitted Flood Risk Assessment and Outline Drainage Strategy on behalf of likely developers at the site concedes that greenfield runoff volumes cannot be achieved due to underlying clay geology. The "Site has areas within flood zone 2/3 or has flooded historically" according to Lepus Consulting's Sustainability Appraisal from October 2022. It finds the site has a 'major negative impact on flooding.'

The Scrase Stream / West Common Stream that runs through the site. With deep marshy grasses, the site operates as a functional wetland and flood plain (see photos below) holding water back from entering the Scrase stream managing flow on towards Sunte and Hickman's Lane and through Lindfield: <https://riverlevels.uk/flood-warning-lindfield>). Housing development will speed run off even with SUDS style systems. The stream extends well beyond the site and has already contributed to flooding and surface water problems in Haywards Heath and Lindfield, including Penland Road, Borde Hill Lane, Turners Mill, Burrell Road and Mill Green Road. Additional hard core and associated runoff can only exacerbate these known local and downstream flooding risks.

7. **Protected species are at risk.** An Ecological Impact Assessment performed for the recent outline planning by a developer confirms the presence of legally protected species, including common dormouse and multiple bat species, including vulnerable species. Dormouse presence is confirmed along hedgerows that will be affected by development. The site must adhere to wildlife laws (Conservation of Habitats and Species Regulations 2017 and Wildlife and Countryside Act 1981) and demonstrates that the current household volume and layout are likely to be damaging to these species.

The application acknowledges significant loss of grassland habitat, fragmentation of hedgerows, and loss of foraging habitat for bats. These impacts are described as significant at local or site level. Mitigation is heavily dependent on future conditions

and assumptions. This is not acceptable when nature depletion across Mid Sussex is so high.

8. **Heritage and Archaeology is uncertain and requires investigation.** The West Sussex Historic Environment Record (HER) shows that the proposed development has the potential to contain significant archaeological remains. Policies DP36 and NPPF paragraphs 199–208 apply. The scheme causes acknowledged heritage harm and archaeological uncertainty linked to a Roman road alignment. A Heritage Impact Assessment by Place Services in 2025 identifies substantial harm to designated heritage assets, including Sugworth Farmhouse and South Lodge. Even where harm is classified as less than substantial, national policy requires that it be clearly justified and weighed against public benefits. Given the scale of development and the unresolved environmental and infrastructure impacts, the case that the public benefits outweigh this harm has not been made.

An archaeological study associated with a developers application identifies the putative alignment of a Roman road within the site, with uncertain anomalies that cannot be ruled out. This creates a need for further investigation, with trial trenching etc. and potential site design implications.

9. **Wider Infrastructure and Services are struggling to cope already.** Using standard estimates one can expect circa 190 people to live in 60 houses (a mix of 3-4 bedrooms) and 15-20 primary school age children. Harlands school is effectively full. Policy DP20 requires adequate infrastructure. The application fails to show additional capacity in healthcare, education and social services. There are frequent accidents along Borde Hill Lane and Hanlye Lane, making it unsuitable for further dense housing with associated traffic without a major upgrade of Borde Hill Lane and Hanlye Lane.
10. **Development would likely involve loss of trees and green infrastructure.** A recent application for outline planning approval proposes the loss of a mature English oak and reduction of woodland parcels, described as regrettable but unavoidable due to access arrangements. This assertion has not been robustly tested against alternative access designs. Tree loss and woodland reduction further compound landscape and ecological harm and indicate that the site is being over-engineered to accommodate an excessive number of dwellings.
11. **Objections by nearby residents at the Regulation 18 Consultation have not been satisfactorily addressed,** contravening the Statement of Community Involvement.

**In conclusion** DPA7 Land East of Borde Hill Lane should be removed from the Draft Plan because it is:

- Strategically inconsistent
- Unnecessary to meet housing supply requirements
- Harmful to countryside and settlement form
- Less sustainable than alternatives
- At risk of flooding
- Infrastructure-light

We request the Planning Inspector to recommend to MSDC **de-allocation** of this site.

## Annex 1: OBJECTIONS TO MID SUSSEX DISTRICT PLAN – Site Assessment Proformas\*

**A technical sustainability appraisal made in 2023 by MSDC in relation to DPA7 is unsound.** Findings are inappropriately positive for development and need downgrading based on available evidence. Evidence to support this view is provided in this paper in relation to Landscape; Flood Risk; Trees; Biodiversity; Listed Building; Conservation Areas; Archaeology; Availability of Public Transport. (\*Reference Appendix 3 from the document ‘District Plan 2021 – 2039: Site Selection Conclusions Paper, October 2023’). This section sets out reasonable judgements given the evidence available including in person knowledge of the area. Sites are allocated one out of five rankings (red – major negative, pink - negative, yellow – neutral, positive - pale green, very positive - dark green) using the criteria given in Appendix 1 of the same reference document.

### ID 556 (DPA7) Land East of Borde Hill

Site Details		
Units:	<input type="text" value="60"/>	Site Area (ha): <input type="text" value="10.5"/>
Part 1 - Planning Constraints		
1. Landscape	Negative	Low to low/medium potential for change in landscape terms
2. Flood Risk	Neutral	Site has small areas within Flood Zone 2/3, no known historic events
3. Trees	Positive	Presence of trees on site or along the boundaries.
4. Biodiversity	Very Positive	site not within or adjacent to designated site
5. Listed Buildings	Neutral	Listed buildings are present on/within proximity of the site, Less than substantial harm –Low impact. Potential for suitable mitigation.
6. Conservation Areas	Very Positive	There are no conservation areas within/close to the site –No impact
7. Archaeology	Neutral	Moderate impact on archaeological asset –County Archaeologist has concluded that impact can be mitigated
Part 2 - Deliverability Considerations		
8. Availability	Positive	The site will become available for development during the plan period.
9. Access	Negative	Site approach would require improvements to accommodate further development, achievability is uncertain. Technical Note submitted to demonstrate how access could be achieved; yet to be confirmed by highways authority.
Part 3 - Sustainability / Access to Services		
10. Bus Service	<input type="text" value="Fair"/>	Access to Public Transport and/or frequency of Public Transport in this location is fair
10. Train Service	<input type="text" value="Poor"/>	
10. Public Transport	Neutral	
11. Main Service Centre	Neutral	Within 20 minutes walk / 30 minutes public transport
12. Primary School	Positive	Within 15 minutes walk
13. Health	Neutral	Within 20 minutes walk
14. Retail	Neutral	Within 20 minutes walk

## **Part 1 - Planning Constraints:**

### **1. Landscape – amend to major negative**

Site DPA7, which is adjacent to AONB designated land and mentioned in the Grade II\* listing for Borde Hill Park should be designated an AGLV (Area of Great Landscape Value). “To the ... **east**, the site's parkland and woodland merge into the adjacent undulating, wooded farmland”. LVIA prepared by Louise Hooper is attached. Development of this site would breach Policy E5 HHTC Neighbourhood Plan.

### **2 Flood Risk - amend to major negative (see attached additional evidence Note A)**

“Site has areas within flood zone 2/3 or has flooded historically” Lepus Consulting’s Sustainability Appraisal from October 2022 finds the site has a ‘major negative impact on flooding.’ SUDS may be insufficient without proper assessment. See Annex 2.

### **3 Trees – amend to neutral.**

“Site is adjacent to an area of ancient woodland or within a 15m buffer from an area of ancient woodland. Development of the site may result in some harm, but mitigation can be achieved. Presence of protected trees on/adjacent to the site which would constrain development. Tree Officer concludes that potential impacts can be mitigated.”

Ancient woodland (known as Flat Wood) lies a few metres north of the site.

This is an open landscape, enjoyed by road users, train passengers and pedestrians, as well as neighbours. Nearby trees have high canopies, giving clear view across valley in Horsegate High Weald Character Area towards Grade II listed Sugworth Farm.

### **4. Biodiversity – amend to negative.**

The land lies opposite the South Park at Grade II\* Listed Borde Hill Gardens, whose owners state that they “care passionately about our natural environment and this project will enable us to unlock 110 acres of listed heritage parkland to new and diverse audiences, while enhancing the *biodiversity that lies within the South Park and beyond.*”

### **5. Listed Building – amend to minor negative.**

This site is unusual as it is mentioned in the Historic England listing for the Grade II\* parkland setting adjacent to it, not just the building itself. Conservation Officer to advise.

### **6. Conservation Areas – amend to minor negative.**

This section should also include Areas of Townscape Character (ATC), which have similar protections as Conservation Areas. The site is within close proximity of the Balcombe Road ATC (HHTC Neighbourhood Plan). Conservation Officer to advise.

### **7. Archaeology – amend to neutral**

subject to review by County Archaeologist. A Roman road runs through the site.

## **Part 2 – Deliverability**

No comments

## **Part 3 – Sustainability / Access to Services**

### 10. Availability of Public Transport - Amend to Poor

Using MSDC’s own assessment above for DPA7, availability of the bus service is described as “fair” and the train service as “poor.”

The table from Appendix 1 of the reference document, Site Selection Criteria, has been reproduced below for ease of reference. This grid indicates that overall, the availability of bus and train transport should be graded as “poor”.

This confirms local residents’ findings that Bus Route 31A at the junction of The Spinney/Penland Road only operates every 2 hours between 8.40 and 16.40. Some facilities within the town would require a change of bus, making journey by public transport for the vast majority of people highly unlikely.

Criteria 10		Availability of Public Transport				
<b>Policy background</b>	“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that... opportunities to promote walking, cycling and public transport use are identified and pursued” (NPPF 2023, para 104c) “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health” (NPPF 2023, para 105)					
<b>Source</b>	MSDC Sustainability Mapping (GIS)					
<b>Assessment</b>	<b>Bus Service</b>		<b>Distance</b>			
			400m	600m	800m	800+m
	<b>Frequency</b>	Excellent (4+/hour)	Excellent	Good	Good	Fair
		Good (2+/hour)	Good	Good	Fair	Fair
		Fair (<2/hour)	Good	Fair	Fair	Poor
		Poor (Infrequent)	Fair	Fair	Poor	Poor
<b>Train service</b>		<b>Distance</b>				
		<800m	<1.2km	<1.6km	>1.6km	
		Excellent	Good	Fair	Poor	



		Overall assessment	Train Service			
			Excellent	Good	Fair	Poor
Bus Service	Excellent	Excellent	Good	Good	Fair	
	Good	Good	Good	Fair	Fair	
	Fair	Good	Fair	Fair	Poor	
	Poor	Fair	Fair	Poor	Poor	
	Access to Public Transport and/or frequency of Public Transport in this location is poor					
	Access to Public Transport and/or frequency of Public Transport in this location is fair					
	Access to Public Transport and/or frequency of Public Transport in this location is good					
	Access to Public Transport and/or frequency of Public Transport in this location is excellent					
<b>Note</b>	Measured using the most practical walking route from the centre of the site to the nearest Public Transport. Based on MSDC Sustainability standards.					

### **11. Access to Main Service Centre - Amend to Poor.**

Appendix 1 describes the facilities in the main service centre as retail, community and leisure. This site, although beyond the Built Up Area Boundary (BUAB) of Haywards Heath, will be entirely dependent on its services. The town does not have a central focus for all these services, which are spread out across a wide area. The site fails to meet the 20-minute neighbourhood principle for many of these facilities. For example, the main shops at South Road, the Age UK centre at Lamb House, sports facilities at Beech Hurst, Victoria Park and Hanbury Stadium, together with private gyms in South Road, to mention just a few facilities, are a 40 minute walk away. Restaurants in The Broadway and Lindfield are over 30 minutes away. Balcombe Road has narrow pavements, which require crossing in several places, as the pavement is not continuous. Fig 2, LCWIP prepared by PJA for MSDC 2023 shows that the site is beyond the 20-minute neighbourhood principle for most facilities.

### **12. Distance to Primary School**

Harlands School, is within a 15 minute walk, however, the school is full and has taken a bulge class for September 2023. The crossing point is busy and drivers frequently ignore speed limits. There are two junctions nearby - Hanlye Lane and Penland Road. For safety reasons, a traffic-light controlled crossing may be needed to cross the busy Balcombe Road, which would add an unwanted urbanising feature to this semi-rural edge of town area, as well as creating congestion. Transport modelling will need to be reassessed.

The nearest schools with spaces are Lindfield Primary School (1.9 miles) and Northlands Wood Primary School (2.8 miles).

NPPF 2023 Para 95 says that it is “important that a sufficient choice of school places is available.” Site DPA7 fails to meet this.

### **13. Distance to Health Centre or GP Surgery - Amend to Poor**

Volunteers performed a timed walk to the nearest facility at Newtons Surgery, which took over 20 minutes. This would take much longer if a patient was elderly or feeling unwell. Parking at Newtons Surgery is limited. Other practices are further away and have no spaces for new patients. The Princess Royal Hospital is mentioned as a nearby facility, yet local residents often have appointments in Brighton or East Grinstead instead.

### **14. Distance to Local Convenience Retail**

This criteria appears to be intended for development in rural areas. Sainsbury's and Waitrose are approximately 20 minutes' walk, however, the steep hill up Balcombe Road of the local area and the lack of a continuous pavement along Balcombe Road would discourage pedestrians from carrying more than a few items.

**Annex 2: Photos – flood related**

