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Reconvened Stage 1 Hearings

Mid Sussex Local Plan Examination

Matter 7 – Site Allocations

Policy DPA7: Land east of Borde Hill, Haywards Heath

Prepared for:

Fairfax Acquisitions Ltd

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Executive Summary

Fairfax Acquisitions Ltd ("Fairfax") has a controlling interest in land east of Borde Hill Lane, Haywards Heath. The Site is proposed as a housing allocation for 60 dwellings under Policy DPA7.

Our Regulation 19 Representations proposed an increase in the allocation from 60 to 100 dwellings.

An outline planning application has been submitted to MSDC proposing development of the Site for up to 125 dwellings (LPA Ref: DM/25/3129).

Preparation and submission of the Planning Application was informed by a considered pre-application process undertaken with the LPA.

The pre-application submission to the LPA proposed the development of the Site for up to 114 dwellings. The LPA's formal pre-application advice suggested that development of the Site for 114 dwellings, which in excess of the draft allocation for 60 dwellings in the Submission Local Plan, still represented a rather low density.

The pre-application advice received from the LPA informed the Application for up to 125 dwellings.

The Site represents a deliverable opportunity in seeking to meet housing needs in the current five year period.

Policy DPA7 should be revised to provide for approximately 125 dwellings, allowing for an appropriate degree of flexibility for officers to appraise detailed matters through the application process.

The above changes are necessary to ensure Local Plan Policy DPA7 satisfies the tests of soundness at paragraph 35 of the NPPF (September 2023)¹.

¹ Paragraph 234 of the 'current' NPPF (Dec 2024) states that Local Plans that reach the Regulation 22 stage on or before 12 March 2025 will be examined under the relevant previous version of the NPPF. As such, the Mid Sussex Local Plan is to be examined against the requirements contained in the September 2023 NPPF.

Policy DAP7 - Land east of Borde Hill Lane, Haywards Heath

For each of sites DPSC1, DPSC2, DCSP3, DCSP4, DCSP5, DCSP6, DPSC7, **DPA7** and DPA12

Whether the plan adequately lays the framework for the sustainable development of each site.

a) How good urban design would be created, including good building design, legible layouts, attractive streets and open spaces, active frontages, the integration of sustainable transport and climate change mitigation

b) The implications for the wider transport network (including the impact on nearby communities) and how necessary mitigation measures would be delivered

c) The implications for the impact on, and provision of, social and community facilities (such as schools and health facilities) and how necessary new facilities would be funded and provided

d) The implications for access to retail and employment centres

e) The effect on the appearance of the area including the character of the countryside, taking into account any mitigation measures

f) The protection of wildlife and biodiversity and opportunities for enhancement

g) The protection of heritage assets

h) The funding and delivery of necessary infrastructure and other necessary mitigation measures

i) The position regarding the existing condition of the site and its deliverability

j) Whether the Council's assumptions are realistic in respect of densities, start dates, number of suggested outlets and build out rates, and hence the delivery trajectory

a) How good urban design would be created, including good building design, legible layouts, attractive streets and open spaces, active frontages, the integration of sustainable transport and climate change mitigation

- 1.1. The submitted planning application (as indicated in the information included in Appendices 1 to 5) illustrates a scheme that delivers good urban design based upon the factors referred. This includes a scheme which is responsive to the character of the area with built form adjoining the existing urban areas and open space to the north. The latter provided viewing corridors from Sugworth Farmhouse (Grade II Listed Building) and also ensure the development parcels are set away from the National Landscape and Borde Hill Registered Park and Garden.

b) The implications for the wider transport network (including the impact on nearby communities) and how necessary mitigation measures would be delivered

- 1.2. The Site is well positioned in terms of walking accessibility with day-to-day facilities available within reasonable walking distances. The nearest railway station (Haywards Heath) is approximately 1.5km, which is a walkable and cyclable distance via local roads.
- 1.3. The information supplied with the submitted application indicates that the scheme can be accommodated upon the local transport network.
- 1.4. The submitted application also includes a Framework Travel Plan which details a range of measures to further encourage walking, cycling and public transport use.

c) The implications for the impact on, and provision of, social and community facilities (such as schools and health facilities) and how necessary new facilities would be funded and provided

- 1.5. The Site is within a safe and convenient walking distance to local social and community facilities including Harlands Primary School and Haywards Heath College. Within convenient cycling distance lies The Dolphin Leisure Centre, Haywards Heath library and the surgeries along Heath Road which are all within 2km. As detailed in the response to question h, contributions towards necessary improvements to facilities can be funded by the scheme.

d) The implications for access to retail and employment centres

- 1.6. Haywards Heath railway station lies approximately 1.5km south of the site and is within a 15 minute cycle. Two supermarkets are located near to the station. These are a Sainsbury and Waitrose. There are further retail units around the station.
- 1.7. There are employment opportunities available near the station in the industrial estates along Burrell Road and Bridge Road together with the offices along Perrymount Road. These are also all within 1.5km of the site.

e) The effect on the appearance of the area including the character of the countryside, taking into account any mitigation measures

1.8. The response to this point is covered in the answer to question a.

f) The protection of wildlife and biodiversity and opportunities for enhancement

1.9. An Ecological Impact Assessment has been prepared and submitted with the application.

1.10. There are no priority habitats present on the Site itself. Directly adjacent to the west of the Site's boundary is a large area of wood pasture and parkland priority habitat, along with priority habitat deciduous woodland and ancient woodland. Priority habitat deciduous woodland and ancient woodland patches are also present approximately 40m north and 45m east of the site.

1.11. The Ecological Report submitted with the application assesses potential impacts arising as a result of the scheme. Having regard to the information supplied for the application, the Proposal is considered to not have any significant impacts on any statutory sites. Nor are there any non-statutory designated sites of nature conservation interest within or immediately adjacent to the Site.

g) The protection of heritage assets

1.12. A Heritage Impact Assessment has been prepared in support of the application. This identifies the closest heritage assets which could be affected as a result of development within their setting. This includes the Grade II* listed Borde Hill Registered Park & Garden that neighbours the Site to the west, on the opposite side of Borde Hill Lane. There is also the Grade II Listed Sugworth Farmhouse to the north, and the South Lodge to Borde Hill, sited on the opposite side of the roundabout junction on the southern site boundary.

1.13. The Heritage Impact Assessment indicates the proposal is considered to have a neutral effect and cause no harm to the setting of Borde Hill Registered Park & Garden by virtue of the topography and the modern development to the south. It also concludes that development of the Site will cause less than substantial harm to Sugworth Farmhouse and less than substantial harm at the lowest end of the scale to South Lodge.

1.14. The significance of the heritage assets will not be affected; their special architectural and historic interest will be preserved.

h) The funding and delivery of necessary infrastructure and other necessary mitigation measures

- 1.15. As set out in the draft Heads of Terms submitted with the planning application, the financial contributions to be requested by the Council will need to meet the planning obligations test set out in part 11 Section 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 58 of the NPPF (Dec 2024).
- 1.16. As such, any planning obligations to be imposed as part of the application must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 1.17. Fairfax has committed to work with the Council to secure the requisite contributions which can be secured through the provisions as set out in Appendix 5 of the Submission draft Mid Sussex Local Plan.
- 1.18. This includes entering into an obligation to secure the provision of 30% affordable housing. The tenure split of the affordable dwellings (having regard to the definitions set out at Annex 2 to the NPPF) is a matter to be negotiated during the determination of the Planning Application.
- 1.19. Financial contributions towards the provision of necessary and directly related infrastructure and services, that is fairly and reasonably related in scale and kind to the development, will be discussed with the Council through the consideration of the application. It will be secured through a s106 legal agreement, subject to the Council providing the requisite justification having regard to the CIL Regulations.
- 1.20. Financial contributions towards the following matters are to be negotiated as part of the application process and may be required, based upon evidence to be provided by the Council (and statutory consultees as appropriate) in terms of need. Obligations and/or contributions may be secured in relation to the following provisions:

On-site provision

- On-site provision of affordable housing (30%).
- On-site community open space.
- Travel Plan.
- Biodiversity net gain.

Off-site provision

- Sustainable Transport measures.
- Biodiversity net gain.

- 1.21. The Scheme is deliverable and does not need to be accompanied by a viability appraisal as the full package of necessary S106 obligations will be entered into.

i) The position regarding the existing condition of the site and its deliverability

- 1.22. As explained, an outline planning application has been submitted to MSDC proposing development of the Site for up to 125 dwellings (LPA Ref: DM/25/3129). Preparation and submission of the planning application was informed by a considered pre-application process undertaken with the LPA.
- 1.23. The pre-application submission to the LPA proposed the development of the Site for up to 114 dwellings. The LPA's formal pre-application advice suggested that development of the Site for 114 dwellings, which in excess of the draft allocation for 60 dwellings in the Submission Local Plan, still represented a rather low density.
- 1.24. The Site is currently used for agriculture.
- 1.25. As explained in the application particulars, the illustrated masterplan proposals have regard to the site's context, including in relation to landscape and heritage considerations.

j) Whether the Council's assumptions are realistic in respect of densities, start dates, number of suggested outlets and build out rates, and hence the delivery trajectory

- 1.26. The Council's Large Site Trajectory (as at 1 April 2025) (H8) suggests the delivery of 20 dwellings in 2029/30, 35 dwellings in 2030/31 and 5 dwellings in 2031/32. This is unduly pessimistic.
- 1.27. As explained, the site is subject to a current outline planning application for up to 125 dwellings. The statutory determination date is 24 April 2026.
- 1.28. Assuming outline planning permission is granted later this year, with the subsequent approval of reserved matters in 2027, the first completions totalling approximately 20 dwellings could be achieved in 2028/29. A total of 65 completions could be achieved in 2029/30, with the final completions in 2030/31.

Summary and Conclusion

- 1.29. For the reasons explained within this statement, subject to an increase in the dwellings numbers expected to be realised on the Site (to approximately 125 dwellings reflecting the pending application), the Plan does lay the framework for the sustainable development of the Site.



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