

Mid Sussex District Plan 2021-39 Examination

Hearing Statement submitted by WILD

Matter 5: Spatial Strategy

Section 1 Does the proposed distribution meet social, economic and environmental objectives?

1.1 The Council says that the vision and strategic objectives of the Plan are based on those set out in the 2018 Plan, because “there have been no changing local circumstances or updated evidence to suggest that they need revising”. (P.27). However, on Page 32 we learn that circumstances *have* changed. The Council’s response is set out in the rest of Chapter 6 and is built on the following points:

- There is limited further growth potential in Haywards Heath and East Grinstead
- Limited growth at settlements within the AONB
- There is potential for higher growth in some areas of the district, as opposed to others
- Settlements have been considered carefully to assess capacity for growth and sustainability
- Single large sites, developed using 20-minute neighbourhood principles, will be sustainable in themselves and improve sustainability in existing communities

Taking these points in turn:

Limited growth potential in the main towns and settlements

1.2 Limited, if any evidence is provided to support this contention. In fact, the SHELAA contains a large number of sites with the potential for meeting the LHN several times over. Not all of these would prove to be suitable or viable, but the volume is such that the housing target could be achieved using the 2018 spatial strategy. Further, the Council has unreasonably restricted itself by, for example, not contemplating modest growth in the AONB, or continuing to support proportionate growth in all existing settlements.

Some settlements have significant growth potential

1.3 Whilst settlements are ranked in categories (p40), the Plan lacks an objective assessment of which settlements have the higher growth potential and which do not.

Large sites can achieve sustainability for themselves and support others

1.4 This is predicated on the 20-minute neighbourhood concept. The Council uses it extensively but the main idea of 20-minute neighbourhoods is to support sustainable growth and regeneration in urban settings. As such, it clearly has relevance and utility in relation to the district’s main towns. It can also be used to create sustainable communities if these are developed adjacent to towns which already have a wide range of facilities and amenities. However, it is an unjustified and ineffective means to try to promote a significant settlement effectively from scratch on a greenfield site, in a rural setting, where the development would not have the critical mass to fund or justify the full range of

amenities, and is some distance from a settlement which does. WILD has seen no evidence, here or elsewhere, of this being done in a location such as Sayers Common.

How does this approach rate against the 15 strategic objectives named in the Plan?

1.5 The chosen approach lacks balance, achieving some of these objectives at the expense of others, but is unsound when assessed overall. Further, it brings with it a high level of risk to delivery and high cost in mitigation of constraints.

How does this approach rate against the more granular assessment of the Sustainability Appraisal?

1.6 The Sustainability Appraisal provides an assessment using social economic and environmental factors at a more detailed level. We have previously made criticisms showing that the SA is flawed and unsound (see our analysis in our Reg.19 submission, section 6 and Appendix C). Despite these flaws Option 2, the preferred option, scores poorly when measured against the three dimensions (social, economic and environmental) which together make the strategic case for sustainability. And according to the SA (see pA-8), a combined Option (2&1) is required to achieve the LHN (and noting that, unjustifiably, the SA has not considered other combinations of options as reasonable alternatives).

1.7 Therefore, the proposed distribution of development, in relation to allocations DPSC3 and DPSC4-7 in particular, will not meet social, economic and environmental objectives and the Plan is not positively prepared, justified, effective, or consistent with national policy.

1.8 As to whether the Plan will achieve “more than the sum of its parts”, the answer is no. DPSC3 and DPSC4-7 in particular represent unsustainable development in the wrong place. The Spatial Strategy is unsound.

Section 2 Is the apportionment of development to larger and smaller settlements and freestanding allocations, and to different sizes of site effective in ensuring delivery and meeting community needs?

2.1 There is little, if any evidence to make this case, but there is plenty of evidence to the contrary. Inadequate regard has been given to NPPF policies on making effective use of land, and densities. The distribution of development is noticeably lopsided, being concentrated in 2 parishes out of 24: over 3,000 houses are proposed for greenfield sites in these 2 parishes compared with, for example, only 226 and 45 houses for Haywards Heath and East Grinstead respectively in the same period. The allocation of significant sites on greenfield land is at odds with the stated policy objective of preserving and enhancing the natural environment. Two of the three significant sites are adjacent to the A23 and will become commuter villages, rather than additional housing for local people.

2.2 The Settlement Sustainability Review (SSR) does not seem effectively to have informed plan making: it is not referenced in the Site Selection Methodology (SSM) and was not included in the documents supporting the original submission of the Plan post Reg.19 consultation. This Plan offered an ideal opportunity, by using the SSR and the principle of proportionate development, to select a larger number of smaller sites to support sustainability in selected settlements, thus improving sustainability in the district generally, while allowing it to retain its overall character. Instead, a large

percentage of the houses needed are to be provided on these large sites where the cost of reaching an acceptable level of sustainability will be comparatively higher, and in one case (DPSC3), because of its relative isolation, sustainability for this significant site and for the neighbouring settlements will come at a high cost and at the price of the destruction of the natural landscape.

2.3 The significant sites carry a high level of risk to delivery because of the demands of viability. They are required to subsidise a major quantum of affordable housing and fund the provision of facilities and amenities to try to ensure the community to be created is sustainable. Significant sites which are aligned to large settlements may be able to mitigate this risk to some extent by ensuring that additional benefits are complementary to those within easy travel distance, whereas a significant site in a rural, isolated location (such as the proposed allocation of land at Sayers Common) will not have this option. The result is that even if allocated, such a site is unlikely to be built out as planned. *Either* development will proceed piecemeal as market conditions allow, *or* developers will invoke viability clauses to reduce or avoid the commitments to benefits and affordable housing on which approval was predicated, *or* the sites may not be built out at all. Whatever the outcome, even the sustainability the Council aspires to will be out of reach, and the national imperative to deliver a higher rate of completions will likely be undermined.

2.4 Therefore, the apportionment of development, the mix of sites proposed, and their relationship to existing settlements is not positively prepared, justified, effective or consistent with national policy and would not ensure delivery, or adequately meet community needs.

Section 3 Transport

3.1 The approach taken does not adequately or effectively meet transport objectives as described nationally and locally; provide for appropriate infrastructure; or respond to the particular transport issues in the district.

Objectives

3.2 There is an expectation that development should seek to minimise additional travel - in particular car travel, and promote active travel. The location of large standalone greenfield sites in the Plan runs directly contrary to these policy expectations. The consultation draft NPPF takes this further by encouraging a focus on development at or close by transport hubs. It is relevant to have regard to this imminent requirement.

3.3 Sustainable travel in Mid Sussex is dominated by the London-Brighton railway line passing through Balcombe, Haywards Heath, Burgess Hill, Wivelsfield and Hassocks. This line also gives access to the coastal routes west and east. The principal feature of the road network is the A23, also on a north-south axis. A Plan developed in the light of national guidance and in keeping with local policy priorities would look to select sites at or close to the rail hubs and not look to increase the attractiveness of the A23 to car users. The proposed Plan does precisely the opposite in respect of the allocations at Sayers Common.

Infrastructure

3.4 To compound this failing at the strategic level, the transport studies which have been prepared to support the Plan were completed too late to be taken into account effectively in plan making, with the result that they show similar characteristics as the SA: they appear to justify the required conclusion, but have had to impose unjustified assumptions on the data in order to do so (see our Hearing Statement Matter 4 [Nurser] Q46, attached as Appendix A).

3.5 The effect of these studies as they stand, therefore, is to underestimate significantly the impacts on the road network and the infrastructure required to manage them effectively. Further, the work required would be prohibitively expensive, whereas a more equal distribution of development, in and around existing settlements, would have minimised this cost.

Constraints

3.6 Post COVID, the rail network has unfilled capacity. Other forms of sustainable travel, notably buses, are not well developed in rural areas and would require significant subsidy to be viable - see our statement for Matter 7. Further work would need to be done to determine the impact on the A23 and the realistic cost of mitigation. The main east/west route in the district is the A272 which is heavily used. In consequence, a number of other routes have been established by regular road users, in most cases working out from A23 junctions. These are even less suitable for heavy traffic, and would create local road network operation and safety risks if housing developments are embedded around them.

3.7 As a predominantly rural district, the potential of active travel for daily living, as opposed to leisure, is also limited. Walking and cycling routes could and should be planned in urban settings. However, country roads are unlit; are typically subject to speed limits between 40mph and the national speed limit; lack pavements and are often too narrow for cycle lanes. They would be very expensive to bring up to national safety standards. Taking into account the distance which would need to be travelled between settlements, most would not be suitable for relatively infrequent/inexperienced cyclists.

3.8 Although active travel as a concept is prayed in aid of the larger schemes, the Plan as submitted provides no confidence that there is an understanding of, or a commitment to, what would be required to promote the necessary changes in behaviour which could lead to a significant reduction in car use. Active travel routes would be required not only within sites but for some distance around them, to link effectively with other settlements; and they would need to be built at the start, rather than the end, of development if there is to be realistic hope that mode shifts can be achieved. Our own study, based on only one of these locations (Appendix B) demonstrated that work to reach national standards is likely to be unaffordable.

Section 4 Environmental Issues

Suitability of the Approach of the Spatial Strategy

4.1 In section 1 we noted that Option 2 in the SA scored poorly on the social, economic and environmental objectives. Strategically, this option avoids more than limited development in the areas of AONB in the district (even though in some circumstances development is permitted; NPPF 176-177), and also reduces development in the main urban settlements. This additional self-imposed constraint forces a focus on rural areas and greenfield locations, mainly in the Low Weald.

Countryside and Environmental Protection

4.2 This approach, contrary to national guidance to protect natural landscapes, increase density and locate development near sustainable transport hubs, fails to recognise the character of the landscape in the Low Weald, which has been highlighted in other representations by for example CPRE and The Woodland Trust. Although this area contains no dramatic features, the proposed Plan fails adequately to recognise its intrinsic character and beauty (NPPF Para 174b). We refer to a recent and relevant appeal decision (APP/D3830/W/23/3319542) regarding a proposed development at Albourne. Inspector Bust notes that the countryside is “an agricultural and pastoral rural landscape which has a largely dispersed settlement pattern of small hamlets, ancient farmsteads and farmstead clusters... while these features are not rare, they are important to the rural landscape character of the countryside in this location.” (Para 16.)

4.3 The West Sussex Nature Recovery Strategy is due to be published in February, after extensive consultation. This brings together what is already known about the area, and has been summarised in a number of representations. They all point to a rich and distinctive habitat which will be disrupted and in some cases destroyed - not to allow development which is essential and could only be located on the selected sites, but to permit allocations such as DPSC3 which would be more appropriate elsewhere.

Climate Change and Flooding

4.4 The impact of climate change cannot be determined precisely. However, we do know the geology (a clay substrate) and geography (a plain which slopes at a shallow angle to the main watercourse) means that the Upper Adur Catchment is slow to drain and generally less suitable for natural mitigations, such as attenuation ponds and gullies, which would be unable to move significant flows at pace. The West Sussex Local Flood Risk Management Strategy identifies the Upper Adur Catchment as the area in West Sussex having the most properties at high risk of surface water flooding, and the greatest proportion of total properties at risk (Table 2 Page 29). The effect of increased heavy rainfall and extensive greenfield development in this catchment will lead to flooding which would be difficult and expensive to manage effectively.

Section 5 How Can the plan be made sound?

5.1 The spatial vision for the 2018 plan remains relevant. It has the prospect of achieving the LHN and would encourage increased density, support sustainability, mitigate the impact on transport networks and address other local and national policy objectives, both now and in the future. The Council's evidence does not demonstrate that further growth potential with this vision is limited, as claimed. The Sustainability Appraisal in fact says that this spatial strategy has the potential to achieve the LHN (pA-9), and it is only in Section A.3, Page A-7,8 that we find the reason for limited growth potential: it is because it has been unreasonably restricted by the over-prescriptive approach to potential and proportionality on a settlement by settlement basis. With this unnecessary constraint removed, it remains a reasonable alternative option, with the prospect of meeting the LHN in its own right, and for providing additional dwellings, in combination with other approaches, if required; a sound strategy that would remove the Council's present unjustified need to include unsustainable greenfield rural land as a disproportionate extension to the existing village of Sayers Common.

5.2 However, the Council has also set great store by the 20-minute neighbourhood concept. If this were genuinely applied as a guide to the distribution of development this would retain, with appropriate justification, a majority of the sites included in the Plan, and provide a rationale for identifying additional sites to replace those which would fall out (such as DPSC3) because they did not meet the requirements of the revised spatial strategy. It would deliver greater sustainability in a more balanced way with less risk and lower cost.

Conclusion

6.1 No proper or persuasive justification has been provided for the departure from the 2018 Plan's spatial strategy. The approach which has been used fails to address social, economic and environmental objectives in a balanced way, relying on concepts which are untested in a largely rural setting. The result is a distribution of development at odds with national policy and guidance and local priorities, carrying with it a high risk to delivery of both housing numbers and sustainability, and a high cost. This is not sound, or effective, or positively planned.

6.2 The distribution and mix of sites do not respect the characteristics of the district or try to meet the needs of the community as a whole, which is located in a small number of larger towns and a larger number of smaller settlements of varying size. This does not constitute positive planning nor is it likely to be effective; and it is further evidence of a developer led, rather than a plan led, approach.

6.3 The proposed distribution of development disregards the characteristics of the transport network in the district (some of which were not taken into account at the appropriate, earlier stages of plan making - as set out in the Infrastructure section above), and would require mitigations which would be either unaffordable or undeliverable - or both. This does not meet the requirements of the 2023 NPPF (or the current version, or the consultation draft).

6.4 The environmental objective described in the NPPF and the Council's own policy (DPC1) requires the protection and enhancement of the natural environment. The Plan has arrived at the unnecessary destruction of countryside, greatly valued by the local community, requiring mitigation which would be ineffective (when compared with what would be lost), unaffordable and undeliverable. It would also expose large areas to avoidable climate change risk.

6.5 Our own proposal, set out in section five, would enable the Plan which to be justified, proportionate, affordable and deliverable, and be demonstrably effective, positively planned, and sound.