

Representations to Regulation 19 (Submission Draft) Mid Sussex District Plan 2021 - 2039

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1. INTRODUCTION

- 1.1. This document comprises the Representations for and on behalf of Hurstpierpoint and Sayers Common Parish Council, in response to the statutory public consultation on the Submission Draft (Regulation 19) Mid Sussex District Plan 2021 - 2039 (the 'Submission Draft Plan').
- 1.2. These Representations have been prepared following the submission of Representations made by the Parish Council in response to the statutory consultation on the Consultation Draft (Regulation 18) Mid Sussex District Plan 2021 - 2039. These were submitted to Mid Sussex District Council in December 2022.
- 1.3. It also follows discussions by Councillors on the scope of the proposed Representations to the Submission Draft Plan at the meeting of Thursday 11th January 2024.
- 1.4. This report sets out an overview of the required format for the Representations, a summary of the legal framework on the scope of Representations, and proposed wording of the Representations.
- 1.5. Each paragraph/policy/section of the Plan on which Representations are made must be submitted in an individual, self-contained format.
- 1.6. The deadline for submission of the Representations is 23:59 on Friday 23rd February 2024.

2. FORMAT OF REPRESENTATIONS

- 2.1. The Representations can be submitted either online via a secure e-form, or by post or email to the District Council.
- 2.2. Attached at Appendix A is a pro forma of the representation form issued by Mid Sussex District Council.
- 2.3. Part B of the pro forma sets out the format for the Representations.
- 2.4. Section 3A invites comments in relation to:
 - District Plan 2021 - 2039;
 - Sustainability Appraisal;
 - Habitat Regulations Assessment;
 - Community Involvement Plan;
 - Equalities Impact Assessment; and
 - Draft Policies Maps.
- 2.5. Section 4 invites submissions on whether the Representations are in respect of the legal and procedural requirements, including the duty to cooperate (Section 4A); and/or whether the Plan is 'sound' (Section 4B).
- 2.6. In respect of considerations of whether the Plan is 'sound', Representations are invited under four headings, and these are whether it is considered that the Plan is:

- Positively Prepared;
- Justified;
- Effective;
- Consistent with National Policy.

- 2.7. Section 6A invites Representations in support for the Plan, whilst Section 6B invites Representations where the Plan is considered either to be not legally compliant or unsound.
- 2.8. Section 7 invites Representations on what changes are considered necessary to make the Plan legally compliant or sound. It invites suggested revised wording of any policy or text.
- 2.9. Sections 8 and 9 seek clarification on whether those submitting Representations seek to participate at the oral Examination, and the reasons why this is considered to be necessary.

3. FRAMEWORK AND SCOPE OF REPRESENTATIONS

- 3.1. The Parish Council Representations to the Regulation 18 District Plan focussed on concerns that it was not 'sound.' The Representations included commentary on both the wording of the Plan, including policies, and the associated Evidence Base.
- 3.2. The District Council have confirmed that the consultation documents for the Regulation 19 Plan comprise the Submission Draft District Plan; the Sustainability Appraisal; Habitats Regulation Assessment; and supporting Policies Maps.
- 3.3. It confirms that there are a number of background documents including the Community Involvement Plan; Equalities Impact Assessment; Consultation Statement; and an Evidence Base of documents and technical reports which include supporting evidence for the proposed site allocations.
- 3.4. Having regard to the previous Representations for and on behalf of the Parish Council, and the scope of Representations agreed at the meeting of Thursday 11th January 2024, the Draft Representations to the Submission Draft Plan relate to concerns that the Plan in a number of areas is currently 'unsound.'
- 3.5. National Planning Guidance sets out that the planning system should be genuinely 'Plan-led.' It states that succinct and up-to-date Plans should provide a positive vision for the future of each area, comprising a framework for addressing housing needs and other economic, social and environmental priorities, providing a platform for local people to shape their surroundings.
- 3.6. The guidance sets out that Plans should be:
- a) Prepared with the objective of contributing to the achievement of sustainable development;
 - b) Prepared positively, in a way that is aspirational but deliverable;
 - c) Shaped by early, proportionate and effective engagement between Plan-makers and communities, local organisations, businesses, infrastructure providers and other operators and statutory consultees;

- d) Contain policies that are clearly written and unambiguous, so it is evident how a decision-maker should react to development proposals;
- e) Accessible through the use of digital tools to assist public involvement and policy presentations; and
- f) Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area, including policies in the National Planning Policy Framework, where relevant.

3.7. It sets out that strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for:

- a) Housing (including affordable housing), employment, retail, leisure and other commercial development;
- b) Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- c) Community facilities (such as health, education and cultural infrastructure); and
- d) Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

3.8. The guidance states that strategic policies should look ahead over a minimum 15 year period from the point of adoption of the Plan, to anticipate and respond to long term requirements and opportunities, such as those arising from major improvements in infrastructure. It notes that where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years) to take into account the likely timescale for delivery.

3.9. It notes that broad locations for development should be indicated on a key diagram and land use designations and allocations identified on a Policies Map. It sets out strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate to address objectively assessed needs over the Plan period, in line with a presumption in favour of sustainable development. It notes that this should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as the needs can be demonstrated to be met more appropriately through other mechanisms such as Brownfield Registers, or non-strategic policies).

3.10. The guidance sets out that Local Plans and Spatial Strategies are assessed to determine whether they have been prepared in accordance with legal and procedural requirements and whether they are sound.

3.11. It notes that Plans are 'sound' if they are:

- a) **Positively Prepared** - Providing a strategy which as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other Authorities, so that unmet need for neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

- b) **Justified** - An appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** - Deliverable over the Plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred as evidenced by the Statement of Common Ground; and
- d) **Consistent with National Policy** - Enabling the delivery of sustainable development in accordance with the policies in this framework and other statements of national planning policy, where relevant.

3.12. The guidance notes that these tests of soundness will be applied to non-strategic policies in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area.

3.13. The Representations will be submitted to an independent Government Inspector who will examine the Plan and Representations in light of the above guidance.

4. LOCAL HOUSING NEED

4.1. Policy DPH1: Housing - States that the Local Housing Need (LHN) for the district over the Plan period is 19,620 dwellings (an average of 1,090 dwellings per annum). This has been calculated using the standard method, and the LPA consider that there are no exceptional circumstances to justify an alternative approach.

4.2. National guidance on delivering a sufficient supply of homes within a Development Plan is set out in Chapter 5 of the National Planning Policy Framework (NPPF).

4.3. Paragraph 61 states that *“to determine the minimum number of homes needed, strategic policies should be informed by a Local Housing Need Assessment, conducted using the standard method in national planning policy. The outcome of the standard method is an advisory starting point for establishing a housing requirement for the area (see paragraph 67 below). There may be exceptional circumstances including relating to the particular demographic characteristics of an area which justify an alternative approach to assessing housing need; in which case the alternative approach should also reflect current and future demographic trends and market signals.”*

4.4. A footnote to the guidance states that *“such particular demographic characteristics could, for example, include areas that are islands with no land bridge that have a significant proportion of elderly residents.”*

4.5. Paragraph 67 of the NPPF states that *“strategic policy making Authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the Plan period.”*

4.6. Additional guidance on the assessment of local housing need is detailed in the National Planning Practice Guidance (NPPG). This details the formula for the standard method used to calculate a minimum annual local housing need figure. It sets out guidance on circumstances where Authorities may use a different method to calculating housing need. It states that:

“Where an alternative approach results in a lower housing need figure than that identified using the standard method, the strategic policy making Authority will need to demonstrate, using robust evidence, that the figure is based on realistic assumptions of demographic growth and that there are exceptional local circumstances that justify deviating from the standard method. This will be tested at Examination.

Any method which relies on using household projections more recently published than the 2014 based household projections will not be considered to be following the standard method as set out in paragraph 60 of the National Planning Policy Framework. As explained above, it is not considered that these projections provide an appropriate basis for use in the standard method.” (Paragraph Reference ID: 2A-015-20190220).

- 4.7. In support of preparation of the Plan, the LPA commissioned a Strategic Housing Market Assessment (SHMA) produced by ICENI Projects. Their report was published in October 2021.
- 4.8. This summarises the approach to calculating Local Housing Need based on the ‘standard method’ issued by National Planning Guidance in 2018. It notes that Step 1 is to establish a demographic baseline. It notes this is drawn from the 2014 based household projections based on a 10 year period (2021-2031). Step 2 is to consider the application of an ‘affordability’ uplift to the demographic baseline to take account of market signals (i.e. relative affordability of housing). The adjustment increase is where house prices are high relative to workplace incomes. Step 3 is consideration of whether to apply a cap to the affordability adjustment.
- 4.9. Applying this approach, the SHMA calculates a minimum local housing need of 1,093 dwellings per annum. This is based on a demographic baseline of household growth of 710 dwellings per annum, taken from the 2014 based household projections, with an uplift affordability of 154%, based on the 2020 Median Workplace-Based Affordability Ratio.
- 4.10. The SHMA notes that the latest set of sub-national population projections (SNPP) were published by ONS in March 2020 (based on 2018 national population projections). This shows a decline in the projected growth of the population compared to the 2014 based figure (from a 2014 based projection of an annual population increase of 365,000; to a 2018 based projection of an annual population increase of 250,000).
- 4.11. The primary reasons for the reduction in the level of increase in population projection is the projected number of children being born, and the projected reduction in the increase of average life expectancy.
- 4.12. The revised projections indicate that there will overall be a need for fewer houses than expected compared to the 2014 projections. The SHMA notes that the percentage of population change in the district over the Plan period is a reduction from 12.5% in 2014 based assumptions to 7.5% based on 2018 based assumptions.
- 4.13. The application of this change has significant implications for the overall increase in the population of the district over the Plan period (from potentially 19,199 down to 11,394). The SHMA acknowledges (paragraph 6.35) that taking account of the difference between the two projections, that the 2018 based projections are likely to be more realistic in terms of trend-based projection.

- 4.14. The SHMA acknowledges that the latest trend-based projection indicates a reduced level of housing need. However, it suggests retaining the level of need produced using the standard method projections (using 2014 data) by assuming an increase in household formation rates and an increase in migration into the district in order to provide for a scenario that achieves sufficient population for the level of additional housing produced under the standard method approach.
- 4.15. The SHMA notes that in developing this projection scenario, a notably higher level of population growth is derived (33,000 additional people compared with 13,100 in the SNPP as published). It notes that the age structure of the two projections is also different with the projection linked to 1,093 homes per annum showing much stronger growth in what might be considered as 'working age' groups. It notes that this arises due to the fact that ONS data shows that migrants are heavily concentrated in these age groups (along with their associated children).
- 4.16. The SHMA notes that the different level of population growth in the 2018 based SNPP and when linking to 1,093 homes per annum is created by assuming there would be an increase (from a trend-based position) in the number of net in migrants to the district. It notes that were this migration to not materialise, then arguably this would mean some additional housing being vacant (or alternatively there could be household formation rates well in excess of those seen historically).
- 4.17. The SHMA acknowledges that the level of local housing need is significantly inflated above the demographic baseline assessment, as a result of Step 2 (affordability adjustment). This arises from the median workplace based affordability ratio in 2020 of 12.62. As a result of this, the adjustment factor in the housing need figure is 154%. This raises the overall level of need from 710 to 1,093 dwellings per annum.
- 4.18. Whilst it is acknowledged that affordability of housing within the local area is a relevant material factor to deriving housing need, it is considered that there are many elements which affect affordability.
- 4.19. These factors include access to building materials, and appropriately skilled labour. These are not resolved by increasing housing supply requirements.
- 4.20. Furthermore, there are occasions where residential providers may restrain housing supply. This is acknowledged in the SHMA. It notes that were the modelled level of net migration to deliver the high local housing need not to materialise, *"it is more likely that the development industry would stop or slow down the rate of building, rather than building homes to remain empty."* (Paragraph 6.61).
- 4.21. Taking the above factors into account, it is considered that the Submission Draft Plan should not be based on a level of local housing need calculated using the standard method, without adjustment.
- 4.22. The latest NPPF guidance states that a determination on the minimum number of homes needed within a Plan area should use the standard method in national planning guidance as an advisory starting point for the purposes of establishing housing requirement for the area.
- 4.23. This acknowledges that there may be circumstances where an alternative local housing need figure is justified.

- 4.24. The NPPG guidance states that where an alternative approach results in a lower housing need figure than that identified using the standard method, the strategic policy making Authority will need to demonstrate using robust evidence that the figure is based on realistic assumptions of demographic growth and that there are exceptional local circumstances that justify deviating from the standard method and that this will be tested at Examination.
- 4.25. In this instance, the SHMA provides detailed, robust evidence that the housing need figure of 1,093 dwellings per annum is significantly higher than that calculated using the 2018 SNPP, which the SHMA emphasises is likely to be a more realistic trend-based projection than the 2014 projections.
- 4.26. The SHMA considers that the projected level of housing need based on the 2018 SNPP is likely to be 525 homes per annum which increases to 622 homes per annum with an adjustment to the formation rates of the population aged under 45.
- 4.27. In light of this, the local housing need figure within the Draft Plan of 1,093 is considered to be significantly above the local housing need for the district.
- 4.28. As noted in the SHMA, a delivery of housing above local housing need is likely to result in an increase in the number of vacant homes; and it is a reasonable assumption to assume that in response to this, house builders would slow down house building rates (to better align supply with demand).
- 4.29. This indicates that an over provision of housing would not result in improved affordability, but would result in developers undertaking artificial market constraints to slow down supply. This is not reflective of an appropriate Plan-led system to delivering housing need.
- 4.30. On this basis, it is considered that the Submission Draft Plan is unsound. It plans for an unjustified level of housing that is significantly above the level of local housing need. It is considered that the level of local housing need within the Plan be reduced to 622 dwellings per annum.
- 4.31. It is considered that the figure of 622 dwellings per annum is justified by evidence, and would represent a Plan that is positively prepared and consistent with achieving sustainable development.

5. DISTRICT PLAN GROWTH STRATEGY - PROTECTION OF THE HIGH WEALD AONB

- 5.1. The Submission Draft Plan states that the first limb of the updated District Plan strategy, is to protect designated landscapes, i.e. the High Weald Area of Outstanding Natural Beauty.
- 5.2. The Submission Draft Plan sets out that the High Weald AONB, designated in 1983, covers some 50% of the land area of Mid Sussex district (approximately 11% of the overall High Weald AONB area). It covers the upper central swathe of the district, south of East Grinstead and Turners Hill, and north of Bolney, Ansty, Cuckfield and Haywards Heath.
- 5.3. It notes that the NPPF makes clear that the scale and extent of development in protected landscapes should be limited. It notes that this does not preclude growth of settlements within the AONB, but these should be smaller in scale and only where any impacts on the AONB have been minimised.

- 5.4. The Submission Draft Plan notes that the Evidence Base underpinning decisions on the extent and location of housing growth in the AONB includes two background papers: Assessment of the Impact of the SHELAA Sites on the High Weald AONB; and Major Development in the High Weald AONB.
- 5.5. These documents also refer to the High Weald AONB Management Plan 2019 - 2024 (HWMP) as a key consideration.
- 5.6. The HWMP states that the purpose of the AONB designation is to conserve and enhance natural beauty, but that the architects of the 1949 Act recognised other underlying principles which were important aspects of the designations success. It noted that this included the need to maintain a 'thriving community life' with particular emphasis on farming and forestry, and the need to promote understanding and enjoyment of the area's special qualities. It notes that these subsidiary purposes, in effect qualifications of the primary purpose, are those identified in the Countryside Commission Statement 1991, restated in 2006 (the basis of the wording of the subsidiary purposes can be found in the Countryside Act 1968, Section 37):

"In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry and other rural industries, and the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment." (Page 17 of the HWMP).

- 5.7. Paragraph 182 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. It notes the conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. It notes the scale and extent of development within such designated areas should be limited, whilst development within their settings should be sensitively located and designed to avoid or minimise adverse impacts on the designated area.
- 5.8. Paragraph 183 of the NPPF notes that planning applications for development within AONBs, should be refused for major development, other than in exceptional circumstances and where it can be demonstrated that development is in the public interest.
- 5.9. The LPA have previously considered the merits of housing sites within AONB locations in the district, most recently in the production of the Mid Sussex Site Allocations Development Plan Document (MSSA) adopted in June 2022.
- 5.10. This included a number of site allocations for housing within the AONB.
- 5.11. The report on the Examination of the MSSA, in considering the allocation of Land West of Selsfield Road, Ardingly (Policy SA25) within the AONB, stated that:

"District Plan Policy DP16 sets the strategic parameters for development within the High Weald AONB. It makes provision for small scale proposals which support the economy and social wellbeing of communities within the AONB, and which are also compatible with the conservation and enhancement of natural beauty. The context for Mid Sussex is that the AONB covers most of the northern part of the district, with the exception of an area which includes East Grinstead, Crawley Down and Copthorne, and that it is clearly important to enable the organic growth of settlements within the AONB wherever this is sustainable."

(Paragraph 195 of the Inspector's Report).

- 5.12. The Inspector endorsed the allocation of development on the site for 35 dwellings (Policy SA25) and also the allocation of land for 35 dwellings at Handcross (Policy SA27) both of which are within the AONB.
- 5.13. Within the Submission Draft Plan, land and off West Hoathly Road, East Grinstead, within the AONB, is allocated for the development of 45 dwellings (Policy DPA4). The Assessment of the Impact of the SHELAA Sites on the High Weald AONB, concludes that such an allocation would not represent 'major development' and be appropriate.
- 5.14. The Submission Draft Plan allocates very little housing growth within the AONB (comprising two allocations: Policy DPA4 for 45 dwelling on the edge of East Grinstead, and Policy DPA13 for 8-12 dwellings on the edge of Ashhurstwood) notwithstanding that this covers some 50% of the district and includes numerous settlements. The Evidence Base on the Assessment of the Impact of the SHELAA Sites on the High Weald AONB reveals that numerous sites were proposed for development within the AONB, but were discounted by the LPA.
- 5.15. It is considered that the level of housing growth supported and allocated in and around settlements within AONB locations within the Submission Draft Plan is insufficient. This renders the Plan unsound. It fails to reflect national planning guidance, the HWMP, and the view of the Local Planning Authority (in preparing a previous DPD), endorsed by MSSA Inspector, that some housing growth around the periphery of AONB settlements is desirable, having regard to local circumstances.
- 5.16. It is considered that the Plan should allocate additional land for housing within AONB locations to facilitate organic growth within and around existing settlements. This would reflect national planning guidance, the HWMP, and the view of the Local Planning Authority (in preparing a previous DPD), endorsed by MSSA Inspector, that some housing growth around the periphery of AONB settlements is desirable, having regard to local circumstances.
- 5.17. This modification would result in a Plan that has been positively prepared, is justified against reasonable alternative and is consistent with national planning policy and other considerations including the HWMP.

6. UPDATED DISTRICT PLAN SPATIAL STRATEGY - MAKING EFFECTIVE USE OF LAND

- 6.1. The Submission Draft Plan sets out that the second limb of the Updated District Plan Strategy is to make effective use of land. It notes that this means maximising opportunities for re-using brownfield sites and ensuring that the full potential of a site is considered when proposals are put forward.
- 6.2. It notes that in support of this, an Urban Capacity Study (UCS) was commissioned to assess the potential quantum of new housing that could be delivered from brownfield sites, to contribute towards the district's housing need.

- 6.3. The Submission Draft Plan notes that Mid Sussex is a largely rural district, and only approximately 12% is within a designated built-up area boundary. As a result of this, it considers that opportunities for utilising brownfield land to meet the housing needs of the district are relatively limited, with potential for brownfield development largely focused on the three main towns and larger villages.
- 6.4. The UCS notes that small site completions equate to around 17.6% of all new completions on an annual basis within the district. This has contributed to some 1,394 homes over the period 2007 - 2021 at an average of approximately 100 homes per annum.
- 6.5. The UCS primarily considers potential sites on an individual, planning unit basis. It notes that whilst it identified a large number of sites, some of which may not be deliverable in the short term but do offer longer term potential. It notes that bringing these forward may involve a proactive approach to planning and development. It recommended that the LPA consider, where appropriate:
- Facilitating discussions between landowners;
 - Supporting relocation strategies;
 - Creating site specific development briefs;
 - Marketing land for development; and
 - Using powers to acquire land and develop existing public sector land for new public sector housing across a variety of tenure types.
- 6.6. Chapter 11 of the NPPF seeks planning policies to promote an effective use of land to meet the need for homes and other uses. It notes that planning policies should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. It notes this should include support and promotion of the development of underutilised land and buildings and the use of airspace above existing residential and commercial premises for new homes.
- 6.7. Paragraph 125 of the NPPF encourages LPA's to take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on Brownfield Registers or held in public ownership, using the full range of powers available to them. It notes this should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.
- 6.8. Paragraph 128 of the NPPF states that local planning policies should support development that makes efficient use of land.
- 6.9. Paragraph 129 of the NPPF notes that Plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. It notes this should include the use of minimum density standards to seek a significant uplift in the average density of residential development unless it can be shown there are strong reasons why this would be inappropriate.
- 6.10. It is considered that the Submission Draft Plan has failed to maximise opportunities for urban focussed brownfield development of housing.

- 6.11. Whilst it allocates land for development at Burgess Hill Station for 300 dwellings (Policy DPA3) and 100 dwellings at The Orchards Shopping Centre (Policy DPA8), there are no other significant on urban brownfield land allocations in the Submission Draft Plan.
- 6.12. There have been examples of redevelopment of brownfield land within the 3 main urban areas of the district over the last plan period. Residential development has taken place on land at Perrymount Road, Haywards Heath and Queen Elizabeth Avenue, Burgess Hill. These are sites central to town centres, readily accessible to public transport, including railway stations. They comprise residential-led redevelopment of 5+ storeys that have delivered higher density housing in sustainable locations. They have positively contributed to housing need without adversely affecting the character of the area. They are considered to represent a successful example of housing delivery in accordance with the strategy of making effective use of existing urban land.
- 6.13. There are areas within the district's 3 main towns, which are under-utilised. This includes, for example surface level car parking and land that falls within the ownership of the District Council.
- 6.14. It is considered that the LPA should take a proactive role in seeking to identify and help bring forward additional urban land, in sustainable locations, to contribute to housing growth.
- 6.15. It is considered that the level of housing growth within the urban area of the district's three main towns that is allocated within the Submission Draft Plan is insufficient. This renders the Plan unsound. It fails to reflect the Plan's growth strategy or national planning guidance.
- 6.16. It is considered that the Plan should be modified to allocate additional housing development on brownfield land within existing urban areas; in particular the main towns of East Grinstead, Haywards Heath and Burgess Hill. In order to maximise this potential, the LPA should undertake a proactive role to identify and bring forward land including, where necessary, opportunities to facilitate land assembly.
- 6.17. This modification of the Plan would be reflective of national planning policy guidance, and would result in a Plan that has been positively prepared to contribute to the achievement of sustainable development, consistent with national planning policy.

7. UPDATED DISTRICT PLAN STRATEGY - GROWTH AT EXISTING SUSTAINABLE SETTLEMENTS

- 7.1. The Submission Draft Plan sets out that the third limb of the Updated District Plan Strategy is to direct growth to existing sustainable settlements, where it continues to be sustainable to do so.
- 7.2. It notes that this meets the objectives of ensuring development is directed away from protected landscapes toward locations which benefit from existing infrastructure and services. It notes the sustainable expansion of an existing settlement helps to provide the critical mass to support viable sustainable travel solutions and improve active travel connectivity, reducing the need to travel by car and reducing the district's carbon footprint.
- 7.3. The Submission Draft Plan sets out proposals for the growth of the district's main towns and villages. It allocates a site for 45 dwellings on land on the edge of East Grinstead for the period 2021 - 2039, and allocates land in and around Haywards Heath for 226 dwellings over the same period.

In comparison to this, it allocates land in and around Burgess Hill for 1,708 dwellings over the Plan period.

- 7.4. Having regard to this and existing commitments, the total housing supply over the Plan period 2021 - 2039 for the three main settlements of the district would be:
- East Grinstead - 1,453;
 - Haywards Heath - 1,230; and
 - Burgess Hill - 6,877.
- 7.5. The Submission Draft Plan states that this imbalance in growth is due to more limited opportunities in and around East Grinstead and Haywards Heath. However, the Evidence Base reveals that numerous sites have been promoted for housing development in and around these two towns, but were discounted through the LPA's site assessment process.
- 7.6. The District Plan Review: Site Selection Methodology (October 2023) details a three stage assessment process following the identification of candidate sites. The majority of sites in and around East Grinstead and Haywards Heath were rejected for allocation by the LPA through this assessment process, including at the final overall assessment stage (Stage 2c).
- 7.7. This indicates that there are sites within and around these two towns which could be allocated to provide a more balanced housing distribution across the district.
- 7.8. Furthermore, it is considered that insufficient land has been allocated within the urban areas of the district's three main towns to meet the second limb of the Updated District Plan Strategy. Had more land been allocated through this approach, it would be possible to deliver a more balanced growth strategy, without the need to allocate land beyond the existing defined built up areas of these towns.
- 7.9. A more balanced growth strategy, would place less concentrated pressure on existing infrastructure within the district. The current approach places significant pressure on Burgess Hill and its surroundings. There are few infrastructure upgrades envisaged in many of the communities surrounding Burgess Hill. The current strategy therefore disproportionately impacts on these communities. This renders the Plan unsound and unjustified.
- 7.10. It is considered that the Plan should be modified to rebalance the spatial distribution of housing more evenly across the three main towns (East Grinstead, Haywards Heath and Burgess Hill). In particular this should result in a reduction in the overall quantum of development in around Burgess Hill, to the benefit of existing infrastructure in surrounding communities.
- 7.11. This would result in a Plan that is positively prepared, and justified.

8. UPDATED DISTRICT PLAN SPATIAL STRATEGY - OPPORTUNITIES FOR EXTENSIONS TO IMPROVE SUSTAINABILITY OF EXISTING SETTLEMENTS

- 8.1. The Submission Draft Plan sets out that the fourth limb of the Updated District Plan Strategy is to allocate land for extensions to existing settlements to improve their sustainability.

- 8.2. The Submission Draft Plan notes that there are some settlements that are ‘less sustainable but there are opportunities for growth’ of a scale to provide the infrastructure and services which will not only meet the needs of the new community, but those of the existing community as well.
- 8.3. It notes that this is considered to be achievable by developing a single large site providing facilities and services onsite, or a combination of smaller sites, that on their own would not deliver sustainable development, but collectively could support new schools, neighbourhood centres and employment opportunities. It notes the aim is based around the 20 minute neighbourhood principles where the Plan seeks to deliver complete, compact and well connected communities which provide the facilities and services to support the majority of day-to-day needs of the community as a whole, accessed by a safe, accessible and well connected movement network for walking, wheeling and cycling.
- 8.4. The Submission Draft Plan emphasises that intrinsic to the acceptability and success of this limb of the strategy is the delivery of associated infrastructure.
- 8.5. Paragraph 20 of the NPPF states that strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for:
- a) Housing (including affordable housing), employment, retail, leisure and other commercial development;
 - b) Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - c) Community facilities (such as health, education and cultural infrastructure); and
 - d) Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
- 8.6. Paragraph 22 states that strategic policies should look ahead over a minimum 15 year period from the point of adoption of the Plan, to anticipate and respond to long term requirements and opportunities, such as those arising from major improvements in infrastructure. It notes that where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years) to take into account the likely timescale for delivery.
- 8.7. In light of the planned scale of development at Sayers Common, under the terms of the fourth limb of the Updated District Plan Strategy, it is considered that policies underpinning and allocating this growth should be deemed ‘strategic policies’ under the terms of NPPF guidance.
- 8.8. It is therefore considered that the Submission Draft Plan should be underpinned by clear evidence of planned, deliverable infrastructure either before, or in conjunction with, development as part of the Plan allocation.
- 8.9. Having regard to the guidance in paragraph 22 of the NPPF, it is considered that these growth policies should explicitly detail and plan for the infrastructure improvement requirements. This should not be deferred to a subsequent, post plan-adoption stage.

- 8.10. Furthermore, the Plan should set a clear vision for the growth of the area of at least the next 30 years. This should include detailed requirements on the extent and timescale of delivery of infrastructure. This should include the holistic planned evolution of the settlement, including its landscape setting and buffering to surrounding countryside and communities.
- 8.11. It is considered that the Submission Draft Plan and the Updated Infrastructure Delivery Plan (December 2023) (IDP) fail to provide robust evidence that infrastructure for sustainable urban extensions has been adequately planned for and demonstrably shown to be deliverable in a timely manner in conjunction with the urban extension of less sustainable settlements.
- 8.12. In relation to non-car modes of transport, neither the Submission Draft Plan or the IDP identifies specific funded, planned programmes for the timely delivery of improvements of non-car modes of transport, linked to urban extensions.
- 8.13. In relation to compulsory school age provision, the IDP notes that discussions are ongoing with developers of the significant sites as to availability, suitability and appropriateness of such sites to incorporate new educational facilities, and that the County Council favours arrangements in an appropriate configuration to cover primary, secondary, sixth form, early years and for children with SEND.
- 8.14. However, there is no evidential documentation that underpins the IDP that notes that this has been agreed with relevant stakeholders.
- 8.15. The Plan should not include significant growth at less sustainable, existing communities, without a clear 30 year development plan, underpinned by clear requirements for infrastructure and evidence of their ability to be delivered in accordance with an agreed timeline. This is not currently contained in the Plan and it is therefore unsound.
- 8.16. Given the strategy for significant extensions at less sustainable locations is underpinned by the need for a step change in infrastructure delivery, it is considered that the Plan, and its associated Evidence Base, does not demonstrate adequate planning over the requisite 30 year period to accord with the requirements of the NPPF. There is insufficient evidence that required infrastructure has been adequately funded, planned and is deliverable in a timely manner in conjunction with development.
- 8.17. It is considered that a strategy of significant extensions at less sustainable locations in the district should be omitted from the Plan, in particular at Sayers Common, or alternatively, extensive additional evidence be submitted to detail a 30-year vision with associated infrastructure provision, proven to be deliverable in an appropriate timescale to align to the growth.

9. COALESCENCE

- 9.1. Policy DPC2 of the Submission Draft Plan seeks to prevent coalescence. It notes that individual towns and villages in the district each have their own unique characteristics and it is important that their separate identity is maintained. It notes when travelling between settlements people should have a sense that they have left one, before arriving at the next.
- 9.2. This approach reflects policies contained within Development Plan documents previously prepared by the District Council.

- 9.3. The Parish of Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP) was ‘made’ by the District Council on 18th March 2015. The strategic objectives of the HSCNP include keeping the village feel and sense of place and protecting and enhancing the environment, whilst meeting housing needs in the Plan area up to 2031.
- 9.4. Within this context, Policy Countryside Hurst C3 of the HSCNP, designates ‘local gaps’ to prevent coalescence between:
- Hurstpierpoint and Hassocks;
 - Sayers Common and Albourne;
 - Hurstpierpoint and Albourne;
 - Hurstpierpoint and Sayers Common; and
 - Hurstpierpoint and Burgess Hill.
- 9.5. Within these local gaps, the policy supports development, provided it does not individually or cumulatively result in coalescence and loss of identity of neighbouring settlements.
- 9.6. The importance and sensitivity of local gaps has been acknowledged in the appeal decision by the Secretary of State to refuse planning permission for the construction of 81 dwellings and associated works on Land to the East of College Lane, Hurstpierpoint, in September 2014 (Appeal reference APP/D3830/V/14/2211499).
- 9.7. In that decision, the Secretary of State noted that, at the time the LPA were unable to demonstrate a five year housing land supply, and as such policies that impact on the supply of housing were considered to be out of date. Notwithstanding this, it was considered that the local gap policy relating to land between Hurstpierpoint and Hassocks continued to serve an important planning function in preventing the coalescence of the two settlements and maintain their separate identities and amenities. It noted this important spatial planning function accorded with the overall thrust of the NPPF.
- 9.8. The Secretary of State considered that the development proposed undermined the purposes of the local gap and would change its character which served a useful and much valued planning purpose.
- 9.9. It notes this value was irrespective of any landscape capacity assessment of the site. It was considered that an increase in built development would result in a small but nonetheless significant diminution of openness.
- 9.10. This appeal decision emphasises the fundamental importance of local gaps and their contribution to maintaining settlement identity and individual character, and that this spatial planning approach accords with national planning guidance.
- 9.11. The principle of a policy within the Submission Draft Plan that seeks to prevent coalescence is therefore supported.
- 9.12. The settlements within the parish of Hurstpierpoint and Sayers Common are at significant risk of erosion of their character and loss of identity by further development that encroaches upon and beyond the built-up edge of settlements within the parish, and those in neighbouring parishes.

- 9.13. There has been significant iterative growth of these settlements over the last circa 10 years. This has resulted in the erosion of gaps, leaving them vulnerable to the impact of further development. This would undermine the distinctive character and identity of the individual settlements.
- 9.14. The Submission Draft Plan envisages substantial development within and around the settlements of the parish of Hurstpierpoint and Sayers Common. This includes Land to the West of Burgess Hill and North of Hurstpierpoint (Policy DPSC1), Land to the South of Reeds Lane, Sayers Common (Policy DPSC3), Land West of Kemps, Hurstpierpoint (Policy DPA12), and Land Rear of 2 Hurst Road, Hassocks (Policy DPA11).
- 9.15. In addition to this, numerous sites have been submitted to the LPA in promotion of allocation for development. This emphasises that the area is at significant risk of accretive development.
- 9.16. The Submission Draft Plan envisages substantial development in and around the parish. This includes to the north, southeast and west of Hurstpierpoint, and to the north, south and west of Sayers Common.
- 9.17. The proposed housing growth in the parish over the remainder of the Plan period equates to a more than 60% increase beyond the number of existing homes in the parish. It is also estimated that the growth equates to a more than doubling of the number of dwellings in the combined parishes of Albourne and Hurstpierpoint and Sayers Common.
- 9.18. The proposed western expansion of Burgess Hill would include substantial areas of land that fall within the rural hinterland of the Parish of Hurstpierpoint and Sayers Common.
- 9.19. This emphasises the importance of protecting the residual local gaps between settlements, in order to maintain their individual character and identity and prevent coalescence.
- 9.20. This spatial planning policy approach was previously pursued by the LPA in the evolution of the southern parts of Burgess Hill. The layout of the ring road (Jane Murray Way) bounded by a landscape buffer, assisted in ameliorating the outward expansion of Burgess Hill and maintain its physical and visual separation from surrounding communities.
- 9.21. The Submission Draft Local Plan, physically breaches this buffer, through the allocation of land for housing-led growth to the west of the Jane Murray Way (Policy DPSC1).
- 9.22. This also results in the coalescence of the hamlet of Goddard's Green with Burgess Hill.
- 9.23. This serves to emphasise the importance of defining gaps between the expanded Burgess Hill and other existing settlements, to avoid further coalescence and retain settlement identity in the long-term.
- 9.24. Policy DPC2 does not identify specific gaps, and their geographic extent. It defers such identification to Neighbourhood Plans or other Development Plan Documents, which are divorced from the allocation of a significant quantum of development in the Submission Draft Plan. This approach is insufficiently robust, and is unsound.

- 9.25. Given the sensitivity of existing undeveloped gaps between Hurstpierpoint and the surrounding settlements of Hassocks, Burgess Hill, Albourne and Sayers Common, and between Sayers Common and Albourne, their relationship to the quantum of new development proposed, and accretive development over recent years, it is considered that the Submission Draft Plan should be modified to identify specific local gaps between these settlements.
- 9.26. These gaps should be explicitly identified within the policy terms of Policy DPC2, supported by identification of their geographic extent on an associated Policies Map.
- 9.27. This would result in a Plan that is justified, and consistent with national planning policy.

10. LAND TO THE WEST OF BURGESS HILL/NORTH OF HURSTPIERPOINT

- 10.1. Policy DPSC1 of the Submission Draft Plan allocates Land to the West of Burgess Hill/North of Hurstpierpoint for the residential-led development of some 1,350 dwellings. This allocation is cross-referenced to Policy DPSC GEN which relates to ‘significant site requirements.’
- 10.2. The supporting text to the policy acknowledges that Burgess Hill is already identified for significant growth, with 3,500 homes consented as part of the Brookleigh development, along with associated infrastructure. The Plan considers that Land West of Burgess Hill is suitable for sustainable growth on the basis that it is *“well connected to existing and planned sustainable transport networks.”*
- 10.3. The annotated plan that accompanies the policy indicates the allocation relates to part of a larger area of land that currently falls outside of the settlement boundary of Burgess Hill. It indicates not all of the land within the area is allocated, with the ‘site outline’ comprising four non-contiguous blocks. The largest, an L-shaped block, runs along the western and southern edge of the site allocation. The allocation does not include the central and eastern areas, which are closer to/ contiguous with the existing built-up edge.
- 10.4. At the Regulation 18 stage consultation of the Plan, it was stated that the *“site promoter has prepared a visioning document for this site, which includes an Indicative Masterplan showing approximate location of uses and mitigation.”*
- 10.5. This document was not considered to represent an Indicative Masterplan, but rather a ‘Vision Document’ setting out at a high level only how the site might be developed.
- 10.6. The Evidence Base that supports the Submission Draft Plan includes an updated ‘Vision Document’ prepared by the scheme promoter (dated December 2023). This does not materially update the detail of the prospective spatial approach and layout of the allocation.
- 10.7. The Plan that is included within the Submission Draft Plan is *“an indicative plan showing the approximate location of uses and mitigation ... [and] is for illustrative purposes only and subject to detailed masterplanning by the promoter at the planning application stage.”*
- 10.8. Policy DPSC GEN states that progress of the site should be in accordance with an allocation-wide Masterplan, Design Code, Infrastructure Delivery Strategy and Phasing Plan to be submitted to and approved by the Local Planning Authority. It notes the Masterplan should be informed by a community engagement exercise and that the Infrastructure Delivery Strategy must demonstrate how the infrastructure will be delivered in a timely manner to meet the needs of the community and to mitigate the impacts of the development.

- 10.9. Chapter 3 of the NPPF in relation to Plan-making states that strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make provision for amongst other things, infrastructure.
- 10.10. It requires Plans to be shaped by early, proportionate and effective engagement between Plan-makers and the local community, local organisations, businesses, infrastructure providers and operators, and statutory consultees.
- 10.11. Policy DPSC1 is considered to lack sufficient clarity and detail to evidence that the development will be brought forward in an appropriate and acceptable manner.
- 10.12. The area being promoted does not represent a geographically logical site extent, in particular in that it excludes land between the proposed allocation and the existing settlement edge of Burgess Hill. The policy therefore fails to demonstrate how it would represent a comprehensive high quality evolution of the settlement edge.
- 10.13. Furthermore, the allocation does not include, and therefore demonstrate deliverability of, suitable appropriate long-term protection and management of land designated as Ancient and Semi-Natural Woodland and Deciduous Woodland Priority Habitat.
- 10.14. The allocation would result in the substantial surrounding of land the subject of such designation, significantly diminishing their connectivity to the undeveloped land to the west. This undermines the value of these designations in habitat terms to wider ecosystems.
- 10.15. Policy DPSC GEN (10) requires all 'significant sites' to co-locate new schools 'within/close to the centre of the development.' It is not considered this is achievable on the site allocation, on the basis that the extent of the site being promoted is largely contained on the southern and western periphery of the overall area. This indicates that the allocation will not result in the delivery of a sustainable development.
- 10.16. The evolution of Burgess Hill developed around the concept of a peripheral ring-road (Jane Murray Way (A273)) and an associated green space buffer around the southern edge of the settlement. This includes public open space and ecological designations (Batchelors Farm Nature Reserve and Hammonds Ridge Meadows Nature Reserve). This approach provides an existing clear defined edge to the built-up area and a suitable buffer with appropriate green landscaping between the urban edge and the countryside beyond.
- 10.17. The allocation of land for development under Policy DPSC1 breaches this defined edge and landscape buffer and coalesces the built up area with the hamlet of Goddard's Green. It would result in the significant erosion of the undeveloped gap between Burgess Hill and surrounding settlements, including Hurstpierpoint.
- 10.18. Concerns are raised that that the allocation fails to provide an equivalent replicated transitional landscape buffer between the proposed urban edge and countryside beyond.
- 10.19. Large areas of the allocation fall within the parish of Hurstpierpoint and Sayers Common. There is uncertainty on the procedural implications of this for the Parish Council.

- 10.20. There are numerous roads within the parish that experience congestion. This is not only reflective of the rural nature of many roads, often with limited width and/or poor alignment, but also of the historic core of the settlement and Hurstpierpoint High Street.
- 10.21. Significant expansion of Burgess Hill, as proposed through Policy DPSC1 would be likely to lead to a significant material increase in traffic using the roads within the parish, including south of the allocation. The consequence of this would be likely to exacerbate the existing congestion at the junction of the B2116 and B2117, increased congestion in the High Street, and potentially additional vehicular traffic seeking to access the A23 southbound from Brighton Road. Concerns are raised that the allocation does not evidence either the effect of this growth on these roads and junctions, and/or how this could be adequately ameliorated.
- 10.22. In the absence of an evidence led Indicative Masterplan and Infrastructure Delivery Strategy, as part of Policy DPSC1, it is considered that the allocation is unsound. It is not underpinned by a justified strategy, and is not consistent with achieving sustainable development.
- 10.23. It is considered that Policy DPSC1 should be omitted from the Plan, or alternatively it should be underpinned by further supporting evidence, including an Indicative Masterplan and an Infrastructure Delivery Strategy. These should demonstrate how the allocation would appropriately integrate with the settlement edge of Burgess Hill, and reinforce and replicate the transitional buffer around the periphery of the western edge of Burgess Hill.
- 10.24. It should evidentially demonstrate that services and facilities can be delivered in the central area of the site, and these will come forward with infrastructure to foster and encourage non-car modes of transport.

11. GROWTH AT SAYERS COMMON

- 11.1. Policy DPSC3 of the Submission Draft Plan allocates Land to the South of Reeds Lane, Sayers Common for some 2,000 net additional dwellings (approximately 1,850 to 2,039). In addition to this, four other land allocations to the north, south and southwest of Sayers Common are allocated for a further 544 dwellings (Policy DPSC4, DPSC5, DPSC6 and DPSC7).
- 11.2. The Submission Draft Plan states that this accords with the fourth limb of the Updated District Plan strategy to seek opportunities for extensions to improve the sustainability of existing settlements where they are currently less sustainable.
- 11.3. The Submission Draft Plan notes that it will be crucial that the developments are considered collectively rather than individually in order to integrate with the existing settlement of Sayers Common and to promote opportunities for enhanced connectivity between the sites themselves and the existing community, so that the entire settlement can take advantage from the services and facilities being provided.
- 11.4. On this basis, the Submission Draft Plan states that the Council will facilitate collaboration between the site promoters at Sayers Common to ensure a cohesive, integrated and Masterplanned development. It notes that Land to the South of Reeds Lane should be the focal point for the village.

- 11.5. The Submission Draft Plan notes that the site promoter has issued a visioning document which comprises part of the Evidence Base. This document accompanied the Regulation 18 Consultation Plan. It does not provide details of masterplan testing that considers land use designation, key connections and open space. It does not provide a detailed explanation on the proposed spatial layout or location of infrastructure and how the development will integrate with the achievement of sustainable neighbourhoods and development. It was not prepared in collaboration with other allocations in and around Sayers Common.
- 11.6. The Plan that is contained within the Submission Draft Plan is a high level document that it is stated to be *“an indicative plan showing the approximate location of uses and mitigation ... for illustrative purposes only and subject to detailed masterplanning by the promoter at the planning application stage.”*
- 11.7. This approach is cross-referenced in Policy DPSC GEN which states that the site shall be progressed in accordance with an allocation wide Masterplan, Design Code, Infrastructure Delivery Plan and Phasing Plan which will have to be submitted to and approved by the Local Planning Authority. It notes the Masterplan should be informed by a community engagement exercise and that the Infrastructure Delivery Strategy must demonstrate how the infrastructure would be delivered in a timely manner to meet the needs of the community and to mitigate the impacts of the development.
- 11.8. The Submission Draft Plan emphasises that intrinsic to the acceptability and success of the planned quantum of growth at Sayers Common is the delivery of associated infrastructure.
- 11.9. Paragraph 20 of the NPPF states that strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for:
- a) Housing (including affordable housing), employment, retail, leisure and other commercial development;
 - b) Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - c) Community facilities (such as health, education and cultural infrastructure); and
 - d) Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
- 11.10. Paragraph 22 states that strategic policies should look ahead over a minimum 15 year period from the point of adoption of the Plan, to anticipate and respond to long term requirements and opportunities, such as those arising from major improvements in infrastructure. It notes that where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years) to take into account the likely timescale for delivery.
- 11.11. In light of the planned scale of development at Sayers Common, it is considered that policies allocating this growth should be deemed ‘strategic policies’ under the terms of NPPF guidance. They should be underpinned by clear evidence of planned, deliverable infrastructure either before, or in conjunction with, development as part of the Plan allocation.

- 11.12. Having regard to the guidance in paragraph 22 of the NPPF, it is considered that such growth should explicitly detail and plan for the infrastructure improvement requirements. This should not be deferred to a subsequent, post Plan-adoption stage.
- 11.13. Furthermore, the Plan should set a clear vision for the growth of the settlement of at least the next 30 years. This should include detailed requirements on the extent and timescale of delivery of infrastructure. It should include the holistic planned evolution of the settlement, and its landscape setting and buffering to surrounding countryside and communities.
- 11.14. It is considered that the Submission Draft Plan and the Updated Infrastructure Delivery Plan (December 2023) (IDP) fail to provide robust evidence that infrastructure for the proposed growth of the settlement has been adequately planned for and demonstrably shown to be deliverable in a timely manner.
- 11.15. Policy DPSC3(10) requires the allocation to be brought forward demonstrating a coordinated approach in collaboration with other housing allocations in the Plan within Sayers Common to deliver high quality placemaking.
- 11.16. The allocation of the site is reliant on a Vision Document which is self-contained to the land being under the control of a single site promoter. There is no evidence of coordination with other land promoters to achieve an overall coordinated development.
- 11.17. Furthermore, the area allocated under DPSC3 is poorly connected and related to the existing settlement of Sayers Common; it represents an elongated land parcel which is not underpinned by layout or access.
- 11.18. Policy DPSC GEN states that there is a requirement to co-locate the provision of schools within/close to the centre of the development and demonstrate how vehicular traffic will be managed to encourage walking and cycling.
- 11.19. The indicative plan supporting Policy DPSC3 indicates the prospective location for a school central within the DPSC3 allocation, detached from the existing centre of the settlement of Sayers Common.
- 11.20. It is considered that this would fail to foster a high quality neighbourhood centre that integrates with the existing community its services and facilities.
- 11.21. The growth of Sayers Common should be evidentially planned to comprise a nucleated settlement, with a spatial layout that is based on an understanding and reflection of the existing settlement, its services and facilities.
- 11.22. The details contained within the Submission Version Plan and its Evidence Base, fail to demonstrate a coherent plan for the growth of the community. There is no detailed masterplan for the settlement's evolution. This should cover the next 30 years. It should detail a holistic growth strategy, encompassing the settlement as a whole, not limited to the proposals of un-coordinated land promoted by developers.
- 11.23. It is considered inappropriate to allocate the scale of development envisaged at Sayers Common without underpinning evidence of holistic a coordinated Masterplan, that is evidentially deliverable.

- 11.24. The growth strategy at Sayers Common, and in particular Policy DPSC3, is considered to lack sufficient clarity and detail to evidence that the development will be brought forward in an appropriate and acceptable manner.
- 11.25. Policy DPSC3(9) requires a layout which prioritises active and sustainable travel connections through the site and supports the delivery of a shared route with Policy DPSC1 to Burgess Hill town centre. A potential route is shown at Appendix 3 of the Plan. This predominantly relies on an existing road route that would need to be the subject of wayfinding improvements and existing bridleways that would need to be the subject of improvements, in order to deliver a circa 25 minute cycling route to Burgess Hill Station.
- 11.26. Given the underpinning requirement of the allocation is to enhance the sustainability of the settlement, it is considered that the policy fails to robustly evidence how the development would be brought forward to improve connectivity between Sayers Common and higher tier centres, and in particular Burgess Hill and its associated train station, to an extent that would result in a material modal shift in transport movements.
- 11.27. Similarly, there is no evidence within the Submission Draft Plan, or supporting Evidence Base, to demonstrate that other alternative non-car modes of transport would be sufficiently improved to result in a material modal shift in transport movements.
- 11.28. Irrespective of alternative non-car modes of transport, growth of Sayers Common would lead to a significant material increase in traffic using the roads within the parish, including south toward Albourne. The consequence of this would be likely to exacerbate the existing congestion at the junction of the B2116 and B2117, increased congestion in the High Street, Hurstpierpoint and access to the A23 southbound from Brighton Road. Concerns are raised that the allocation does not evidence either the effect of this growth on these roads and junctions, and/or how this could be adequately ameliorated.
- 11.29. Policy DPSC3(12) requires the development to be brought forward following a sequential approach by directing development away from areas of flood risk and mitigating impacts through integration of a surface water drainage scheme to achieve flood resilience. It notes development will be expected to create a new wetland area adjacent to the eastern access point designed to ease flooding associated with a low point of the B2110/B2118.
- 11.30. Paragraph 157 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.
- 11.31. Paragraph 165 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, whether there is an existing or future risk.
- 11.32. Paragraph 166 states that strategic policies should be informed by a Strategic Flood Risk Assessment (SFRA), and should manage flood risk from all sources. This should consider cumulative impacts in, or affecting, local areas susceptible to flooding and take account of advice from the EA and other Flood Risk Management Authorities, such as the Lead Local Flood Authority (LLFA) and internal Drainage Board.
- 11.33. Paragraph 167 states that all Plans should apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change, so as to avoid, where possible, flood risk to people and property.

- 11.34. The Evidence Base that supports the Draft Plan appears to rely on the MSDC SFRA (Level 1), dated June 2015. There is no updated SFRA within the online Evidence Base that supports the Submission Draft Plan.
- 11.35. The June 2015 SFRA sets out that WSCC, as the LLFA, are required to set out how it will deliver local flood risk management under the Flood and Water Management Act. It notes that WSCC have prepared a Local Flood Risk Management Strategy, covering the county to meet their duties as the LLFA. The analysis undertaken in this strategy identifies 53 'wet spots' in West Sussex, of which six are identified in Mid Sussex; including land at Sayers Common.
- 11.36. The report notes the majority of properties identified are in areas of surface water flood risk. It notes that such flooding is known to exist in Sayers Common. The table within the SFRA identifies 50 properties that are at risk of surface water flooding within Sayers Common.
- 11.37. Appendix C of the SFRA notes that *"numerous records of historical flooding exist in and around Sayers Common predominately due to poor surface water drainage systems ..."*
- 11.38. The MSDC SFRA therefore acknowledges and identifies Sayers Common as being in an area at risk of surface water flooding. This is inferred within the terms of Policy DPSC3.
- 11.39. Given this, it is considered that the risk of flooding should be the subject of detailed consideration prior to the allocation of land for development in and around Sayers Common. This should consider the impact of flooding on both existing and future development.
- 11.40. The extent of the proposed allocation of Policy DPSC3 extends a significant distance south of the existing settlement edge of Sayers Common, close to the northern edge of Albourne.
- 11.41. There is no indication within the Policy of the extent and limit of development within the overall site allocation area.
- 11.42. If development were to come forward within the southern periphery of the allocation area, this would significantly erode the existing spatial separation between Sayers Common and Albourne, and could result in the coalescence of the two settlements.
- 11.43. This would result in an unacceptable effect on the landscape setting of the two settlements. It is considered that the policy should consider the evolution of Sayers Common holistically. It should comprise a coherent plan for a comprehensively designed, nucleated settlement, with the identification of land to deliver a significant landscape buffer around the southern periphery of the allocation, to ensure that robust spacing is retained between the two settlement edges.
- 11.44. The allocation of land for development at Sayers Common, and in particular Policy DPSC3 is considered to be unsound. It is not underpinned by a justified strategy, and is not consistent with achieving sustainable development.
- 11.45. It fails to demonstrate how a settlement, acknowledged to be less sustainable, would become more sustainable through the allocation. The allocation fails to evidence a coherent comprehensive masterplan. Furthermore, there is an absence of evidence of the delivery of supporting infrastructure in the Submission Draft Plan, or the associated Infrastructure Delivery Plan.

- 11.46. It is considered inappropriate to rely on such evidence being tested following adoption of the Plan, in accordance with Policy DPSC GEN. The evidence should be available prior to allocation, to demonstrate that sustainable development will be achieved.
- 11.47. It is considered that scale of expansion for Sayers Common, and in particular on land allocated as Policy DPSC3 should be omitted from the Plan. Alternatively it should be underpinned by further supporting evidence, including an Indicative Masterplan comprising a coherent holistic strategy for the growth of the settlement, covering a 30 year period, with suitable provision of land for landscape buffering. It should be supported by an Infrastructure Delivery Strategy, that is evidentially deliverable in an appropriate timescale aligned to the planned growth.
- 11.48. It should demonstrate that services and facilities can be delivered toward the centre of the village, and will be accompanied by transport infrastructure that will foster and encourage non-car modes of transport.

12. LAND WEST OF KEMPS, HURSTPIERPOINT

- 12.1. Policy DPA12 of the Submission Draft District Plan allocates Land West of Kemps for the delivery of 90 dwellings.
- 12.2. The site is crossed by an existing Public Right of Way (Footpath 36Hu), which the policy seeks to be retained and is bordered by a footpath (37Hu) which runs to the south of the site connecting Western Road with Langton Lane. The policy notes that the site is within the setting of the Grade II listed Langton Grange, and the Langton Lane Conservation Area. It requires development to be informed by a Heritage Statement in relation to these matters.
- 12.3. The allocation is supported by the District Plan Site Selection Housing Paper. This utilises a traffic light system to reflect, the LPA's analysis of the development. It notes that the site *"has substantial landscape sensitivity and substantial landscape value. This site could be visible from the surrounding countryside and potentially the South Downs National Park."* It notes the development would result in the loss of trees and hedgerows. It considers that the landscape effect of the development would be 'negative.'
- 12.4. The LPA's analysis notes that *"development on the site would have a fundamental impact on the character of this part of the setting of the [Langton Grange] Listed Building and historic farmstead which would become suburbanised. It ... would significantly diminish the existing sense of separation and rural isolation of the farmstead from the village of Hurstpierpoint."* It nonetheless considers that the effect on listed buildings would be 'neutral.'
- 12.5. The LPA's analysis notes the western boundary of the site abuts the Langton Lane Conservation Area and that the *"currently open rural nature of the site makes a strong positive contribution to the setting of the Conservation Area and provides an important degree of separation between the northern part of the Conservation Area, along Langton Lane, and the spread of residential development to the west of Hurstpierpoint. Development on the site would have a fundamental impact on its character and would be harmful to the setting of the Conservation Area and the manner in which its special interest is appreciated."* It nonetheless considers that the effect on the Conservation Area would be 'neutral.'

- 12.6. Paragraph 180 of the NPPF states that planning policies should contribute to and enhance the natural and local environment by, amongst other things, recognising intrinsic character and beauty of the countryside, trees and woodland, and protecting and enhancing valued landscapes.
- 12.7. The LPA's analysis acknowledges that the site is of substantial landscape value. It is crossed and bordered by Public Rights of Way, and is a site which has an intrinsic rural character.
- 12.8. It is considered that the development of the site for 90 dwellings would have a 'very negative impact' against the LPA's site selection criteria. On this basis, the impact on landscape should have rendered the site unsuitable for allocation for residential development for 90 dwellings.
- 12.9. Paragraph 195 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution for the quality of life of existing and future generations.
- 12.10. Paragraph 196 states that Plans should set out a positive strategy for the conservation and enjoyment of the historic environment.
- 12.11. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 12.12. Paragraph 207 states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 12.13. The LPA's analysis concluded that the development would have a harmful impact on the setting of both the designated heritage assets of Langton Grange and the Langton Lane Conservation Area. In relation to Langton Grange it was considered the harm would be less than substantial 'high'; and in relation to the Conservation Area the harm would be less than substantial 'mid.'
- 12.14. Policy DPA12, states that any application should be informed by a Heritage Statement which would need to demonstrate preservation of the setting of the heritage assets.
- 12.15. It is inferred that no such evidence has yet been submitted to the LPA to demonstrate that this is achievable.
- 12.16. It is therefore concluded that at present, the allocation has the potential to have a detrimental impact on designated heritage assets. The allocation of the site would therefore need to be justified by the harm of the development being clearly outweighed by public benefits.
- 12.17. These would appear to comprise residential development. However, this benefit could be achieved on other sites within the district that are not in such proximity to heritage designations.
- 12.18. Policy DPA12(8) requires access to the allocated development to be Orchard Way to the south. This is a linear cul-de-sac some 300m in length, characterised by detached and semi-detached bungalows.

- 12.19. The proposed allocation therefore has relatively poor vehicular connectivity to the settlement of Hurstpierpoint. The allocation would be likely to add a significant volume of traffic along a currently low trafficked route.
- 12.20. Existing residential properties that adjoin the site to the south (Orchard Way) and a number of properties to the east (Kemps) typically have limited depth to their rear gardens. Given the linear nature of the site, concerns are raised at its capacity for the proposed quantum of development, and the potential adverse impact on the residential amenity of existing neighbouring occupiers.
- 12.21. The proposed site allocation is on low lying land. Water discharges to the site from adjacent land; and a water-course runs across and along the site allocation in a northward direction.
- 12.22. The Evidence Base supporting the allocation indicates the site is at low risk of flooding. However, this does not reflect the occurrence of surface water flooding on the land, particularly during times of heavy rainfall in the winter months. Concerns are raised that the flood risk to the site and/or offsite from development has not been adequately considered within the allocation.
- 12.23. Given the acknowledged landscape harm and potential heritage harm arising from the development, it is considered that the allocation is unsound. It is not positively prepared and not consistent with achieving sustainable development. It is an inappropriate allocation taking into account potential reasonable alternatives, and it is not consistent with national planning policy.
- 12.24. The allocation of the site should be deleted from the Plan.

13. HOUSING MIX

- 13.1. Policy DPH7 of the Submission Draft Plan sets out support for the delivery of sustainable mixed and balanced communities. It seeks the provision of a mix of dwelling types and sizes based on recommendations contained within the SHMA 2021.
- 13.2. For market housing the recommended housing size mix is:
- 1-bed/2 person - 5-10%;
 - 2-bed/4 person - 20-25%;
 - 3-bed/5 person - 40-45%; and
 - 4 + bed/6 person - 25-30%.
- 13.3. The reasoning for this is contained in the SHMA document.
- 13.4. Table 9.3 of the SHMA notes the existing number of bedrooms by tenure according to ONS data (2011), for owner-occupied properties in the district is:
- 1-bed - 4%;
 - 2-beds - 20%;

- 3-beds - 41%; and
- 4 + beds - 35%.

- 13.5. Table 9.4 of the SHMA summarises the projected change in household by age. It details that the greatest predicted change between 2021 and 2038 is an increase in older persons, aged over 65 and a particular increase in those aged 80 and over.
- 13.6. In setting out the recommendation for housing size mix, the SHMA states that *“based on the evidence, it is expected that the focus of new market housing provision will be on 2 and 3-bed properties. Continued demand for family housing can be expected from newly forming households. There may also be some demand for medium sized properties (2 and 3-beds) from older households downsizing and looking to release equity in existing homes, but still retaining flexibility for friends and family to come and stay.”*
- 13.7. ONS data indicates that the existing housing stock in Mid Sussex District is comprised of a much greater proportion of 4+ bedroom homes (30.4% of all homes) than compared to rest of England (21.1% of all homes).
- 13.8. ONS data also indicates whether accommodation is likely to be over or under occupied. Where data is recorded as +1 then it implies that a households accommodation has more bedrooms than required (and -1 indicates less bedrooms than required). The data shows that the existing housing stock in Mid Sussex is significantly ‘under occupied’ (43.7% +2 and 31.4% +1) compared to the rest of England (35.6% +2 and 33.2% +1).
- 13.9. This data indicates that the conclusions of the SHMA are likely to be underrepresenting the need and demand for smaller properties. The very high level of +2 under occupation in the district compared to the England average indicates there is likely to be a demand for smaller properties that is not being met by the existing supply of new homes.
- 13.10. Reflecting this data, the Parish Council notes that planning permission was sought in 2020 for the change in mix of an approved residential development in Sayers Common. This proposed a change to the development mix to increase the number of 3-bed properties and decrease the number of 4 and 5-bed properties (LPA reference DM/20/2937).
- 13.11. This evidence reflects the anecdotal experience of the Parish Council of Hurstpierpoint and Sayers Common, that there is a demand for smaller properties as a result of downsizing by older persons, but this is hampered by a lack of supply.
- 13.12. On this basis, it is considered that the proposed housing size mix in Policy DPH7 for market housing does not reflect the existing and future demand trend. The policy is therefore unsound.
- 13.13. It is considered that to reflect demand, the balance in housing size mix should include a requirement for a greater proportion of smaller homes in new developments.
- 13.14. It is considered that the market housing size mix in Policy DPH7 for new residential properties should be:
- 1-bed/2 person - 5-10%;
 - 2-bed/4 person - 35-40%;

- 3-bed/5 person - 40-45%; and
- 4 + bed/6 person - 10-15%.

13.15. This change would result in a policy that is justified against the Evidence Base and consistent with national policy.

APPENDIX A

MSDC REPRESENTATION FORM PRO FORMA



Mid Sussex District Plan 2021 – 2039 Submission Draft Document Publication Stage Representation Form

The District Council is seeking representations on the Submission Draft District Plan 2021 - 2039, which sets the strategic framework for development in Mid Sussex over the next 15 years.

All comments submitted will be considered by a Planning Inspector, appointed by the Secretary of State, at a public examination to determine whether the plan is sound.

The District Plan is available to view at www.midsussex.gov.uk/districtplan. Paper copies are available to view at the Council offices (see address below) and your local library and Help Points. A number of documents have been prepared to provide evidence for the District Plan and these can be viewed on the Council website following the above weblink.

Please respond to Mid Sussex District Council by 23:59 on Friday 23rd February 2024

How can I respond to this consultation?

Online: A secure e-form is available at <https://midsussex.inconsult.uk/districtplanreg19/>

Post: Mid Sussex District Council **E-mail:** policyconsultation@midsussex.gov.uk
Planning Policy
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

A guidance note accompanies this form and can be used to help fill this form in.



Information will only be used by Mid Sussex District Council and its employees in accordance with the Data Protection Act 1998. Mid Sussex District Council will not supply information to any other organisation or individual except to the extent permitted by the Data Protection Act and which is required or permitted by law in carrying out any of its proper functions.

The information gathered from this form will only be used for the purposes described and any personal details given will not be used for any other purpose.

Part A – Your Details (You only need to complete this once)

1. Personal Details

2. Agent's Details (if applicable)

Title		
First Name		
Last Name		
Job Title (where relevant)		
Organisation (where relevant)		
Respondent Ref. No. (if known)		
On behalf of (where relevant)		
Address Line 1		
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number		
E-mail Address (where relevant)		

Part B – Your Comments

You can find an explanation of the terms used in the guidance note¹. Please fill this part of the form out for each representation you make.

Name or Organisation:

3a. Does your comment relate to:

District Plan
2021 - 2039

☐

Sustainability
Appraisal

☐

Habitats Regulations
Assessment

☐

Community
Involvement
Plan

☐

Equalities Impact
Assessment

☐

Draft Policies Maps

☐

3b. To which part does this representation relate?

Paragraph

Policy

Policies Map

4. Do you consider the District Plan 2021 - 2039 is:

4a. In accordance with legal and procedural requirements; including the duty to cooperate.

Yes

☐

No

☐

4b. Sound

Yes

☐

No

☐

5. With regard to each test, do you consider the Plan to be sound or unsound:

	Sound	Unsound
(1) Positively prepared	☐	☐
(2) Justified	☐	☐
(3) Effective	☐	☐
(4) Consistent with national policy	☐	☐

¹ See FAQs (<https://midsussex.inconsult.uk/gf2.ti/-/1531298/193380805.1/PDF/-/FAQs.pdf>)

6a. If you wish to support the legal compliance or soundness of the Plan, please use this box to set out your comments. If you selected '**No**' to either part of question **4** please also complete question **6b**.

6b. Please give details of why you consider the Mid Sussex District Plan 2021 – 2039 is not legally compliant or is unsound. Please be as precise as possible.

7. Please set out what change(s) you consider necessary to make the Mid Sussex District Plan 2021 – 2039 legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.

You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick below as appropriate)

☐

No, I do not wish to participate at the oral examination

☐

Yes, I wish to participate at the oral examination

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

10. Please notify me when...

(i) The Plan has been submitted for Examination

☐

(ii) The publication of the recommendations from the Examination

☐

(iii) The District Plan is adopted

☐

Signature:

Date:

Thank you for taking time to respond to this consultation