

CPRE MID SUSSEX COMMENTS ON THE OCTOBER 2011 DRAFT MID SUSSEX DISTRICT PLAN PROPOSALS 12 January 2012

Section 1: Overarching comments

1. Self-sufficiency

We applaud the draft Plan's focus as its primary objective on policies that will encourage the District's self-sufficiency. We comment at para 5 below on what we believe is a need to improve the yardsticks by which achievement of the Plan's goals can be measured over the Plan's life.

2. Proposal for a District Plan policy on the Natural Environment

It is all too widely assumed that nature comes "free", that there is no cost to us if it is lost and there is no charge to restore it. It is our view that the District Plan needs a new overarching, holistic policy to dispel that assumption; one which fosters the District's natural environment and gives substance to the Council's strategic objectives 3, 4, 9, 10 and 14. We appreciate that the draft Plan contains specific policies that aim to protect the countryside from inappropriate development proposals (DP7/DP10/DP27), that deal with individual areas that enjoy special levels of protection (e.g. DP11 - DP14 and DP29 - DP32), and with biodiversity (DP33). However, as individual, self-standing policies they lack the necessary cohesiveness to give effective life to the Council's strategic objectives on the natural environment.

We strongly believe that a clear over-arching policy is needed to give effect to the leadership role of the District Council in fostering the intrinsic, cultural and economic value our wonderful local natural environment in its various aspects: encouraging its biological diversity, developing its ecological networks, safeguarding its tranquillity, protecting it against adverse effects of climate change, and so on; as well as stimulating our local rural economy; and educating people to understand the economic benefit inherent in the innate value of the countryside.

In other words a strong environmental policy complements, rather than being incompatible with, sustainable economic growth and acts as a proper and essential balancing factor in effective long term planning for the District's future. Some of what we have in mind already appears DP33, but DP33 is relatively narrowly focused, and its vital strategic importance is lost by its apparent low priority in the policy order. The natural environment policy we are suggesting would replace DP33 and have higher priority. The additional evidence base that supports it is listed in Part 1 of the appendix to this submission.

We would like to see a policy that, at a minimum includes the following features:

- (i) **biodiversity:** the policy should, we think
 - (a) open with the same language as that used in the Biodiversity Strategy 2020 mission statement, i.e.
"To have a policy which halts biodiversity loss and pursues opportunities to achieve a net gain in biodiversity in the District; support healthy, well-functioning ecosystems; and establish coherent ecological networks, with more and better

- places for nature which benefit wildlife, including people, by:”;*
- (b) expressly recognise the biodiversity value of the countryside generally, and the need to protect it, in line with Government policy and the Plan’s own strategic objective 3 etc., not merely the isolated islands of protected land currently mentioned in the first bullet of DP33;
 - (c) refer to working in partnership with other appropriate bodies and local conservation groups to produce and maintain a District-wide Biodiversity Strategy Plan.
- (ii) **ecology:** we suggest that this part of the policy should
- (a) recognise the importance of an integrated approach to the management of land, water and living resources so as to promote conservation and sustainable use in an equitable way, and also recognise that people with their cultural and varied social needs are an integral part of ecosystems. Such a policy could be on the lines of, *“In line with an ecosystem approach, the cultural heritage, wildlife, natural resources and amenity of the countryside of the District will be protected and, where possible, enhanced. Development will only be permitted where it would not result in harm to these important attributes, including through the fragmentation and isolation of natural habitats, and where it would, where possible, strengthen ecological networks”*.
 - (b) commit to develop a network of wildlife corridors, and identify, develop, designate and restore new sites of nature conservation or geological significance and biodiversity opportunity within the District, with requisite buffer zones, as well as maintaining existing ones, with the aim, where practicable, of achieving official status of conservation or geological importance for them,
 - (c) refer to working in partnership with other appropriate bodies and local conservation groups to produce and maintain a District-wide Ecosystem Assessment and ecology map, that would together provide additional evidence alongside landscape criteria in assessing development proposals,
 - (d) incorporate the second bullet of DP33 re “green multi-functional networks” connected with new development sites, but extend the developer contribution requirement towards the costs of wildlife corridors, green corridors etc. and
 - (e) promise that the District’s rivers, streams and open waters will be protected, and unpolluted by new development proposals.
- (iii) **climate change:** we would like the policy to include a promise that the Council will promote the finalised action plan of the West Sussex Environment and Climate Change Board, and seek to adhere to best local authority practice in the implementation of Plan policies and its own practices that minimise the risk of adverse effects on the climate. The Council should set targets by which its progress in achieving this policy can be measured and reported on.
- (iv) **tranquillity:** we would like
- (a) a reference added in strategic objective 3 to the value of landscape tranquillity, which will go some way towards creating a better balance between conflicting objectives, and thereby address a point made at paras 5.13 and 5.15 of the Sustainability Appraisal about the extent to which the Plan’s strategic objectives are in conflict with indicators relating to the protection and enjoyment of the countryside,
 - (b) the natural environment policy to recognise and promote the value of tranquillity as an essential characteristic of the countryside and contributor to the quality of life. CPRE defines tranquillity as ‘the quality of calm experienced in places with mainly natural features and activities, free from disturbance from man-made ones’. The recognition by Government of the importance of tranquillity as a concept and of its ability to be measured has increased in recent years, largely as a result of CPRE’s collaboration with the Universities of Northumbria and Newcastle to build on original work by ASH Consulting to develop a refined methodology for mapping

- tranquillity, and the publication of a National Tranquillity Map in 2006,
- (c) to see sustainability objective 10 at para 5.6 of the Sustainability report refer to protecting and enhancing the tranquillity of the countryside, and for appropriate measurement indicators of tranquillity to be added to the same section.
 - (v) **development planning and decisions:** to be effective the policy needs to
 - (a) record expressly that this natural environment policy will be applied in considering the sustainability of all planning applications, and
 - (b) require all developments to contribute towards the provision of potential conservation or geological site enhancement and to incorporate sound ecological principles in their design.

3. Housing targets

- 3.1 The draft Plan is fundamentally driven by the Council's conclusion, based on its own 2011 Local Housing Assessment (LHA), that a net increase of 10,600 houses is required in the District between now and 2031. We recognise that the LHA is likely to be controversial and conclude that the Plan (and linked neighbourhood plans) would require substantial modification if the required new housing number were materially different. We would strongly urge the Council to undertake further work now to bolster the quality of the evidence on which it would be relying at the Examination in Public to support its conclusion as to the number of new dwellings required within the District, including:
- (i) examining in detail (with experts' verification) as part of the LHA why its methodology and conclusions are more robust than those which underpinned the adopted South East Plan's conclusion that 17,100 net new homes will be required in Mid Sussex by 2026 -the evidence for which was examined at its EiP and is not per se undermined by its abolition - or the 14,000 Option 1 alternative.
 - (ii) engaging independent experts to assess and supplement the robustness of the LHA's methodology and conclusions, so that the Council is not left to defend its own officers' assessment unaided by experts, or is in a position to recognise early that its conclusions are unsound.
- 3.2 It seems to us that this additional work would also stand the Council in good stead in seeking to justify compliance with its 5 year housing supply target pending adoption of the new District Plan, in justifying refusal of unwanted development proposals meanwhile, and thereby in reasserting Council control over development planning across the District. The Council may well be assisted in this by the Government's announcement that the new NPPF regime will be phased in.
- 3.3 CPRE considers it vital that the required housing number in the final District Plan should be a firm number and not a minimum number. Unless the Council sets a cap on the number of new dwellings which it considers will be sustainable, we fear that the Council may well be unable to resist what it calls (Plan para 3.16) "unwanted development proposals" exceeding that number if the developer proposals are sustainable. Our concern is that the current presentation of the draft Plan, with its references to neighbourhood plans being free to offer sites for more local homes, leaves the "infill" number of up to 2,800 homes as a minimum, with no overall maximum number that is deemed sustainable within the District.
- 3.4 CPRE is also concerned that the draft Plan offers no alternative proposals in the event that the evidence at its EiP shows that the District's minimum required new housing number is significantly higher than the current draft Plan assumes, or if the full level of expansion envisaged around Burgess Hill proves undeliverable. In that event without an alternative plan the Council would find itself back at the beginning of the process with much work to be done to find the additional housing locations and infrastructure provision. For example,

- (a) the question of where the additional housing is to be located within the District becomes of paramount importance,
- (b) there would be a potentially very material impact on other Plan policies, including those affecting the protection of the countryside, and
- (c) utility and other infrastructure providers need to be able prepare well in advance for further expansion and require long lead times to secure approval for capital projects.

If the Council has not prepared and consulted on an alternative “Plan B” that assumes a materially higher housing number, and that contains robust, consistent and unbiased analysis of housing location options/preferences (an aspect for which there is no current robust evidence at all), in our view the risk of material delay in the adoption of a District Plan could become unacceptably high to the serious detriment of the District’s strategic planning. We believe that detriment outweighs the implications of analysing a fall-back “Plan B” option, though the Council would need to ensure that the quality of the SHLAA analysis work is not exposed to similar criticism as its predecessors.

- 3.5 Whilst it is not for us to advocate site-specific housing allocation solutions, in our opinion more evidence is required to assess housing and infrastructure need throughout the District and identify areas that provide the best sustainable development opportunities. At present the District Plan only reflects policies from the Burgess Hill Plan but not any of the other developing parish or town Plans, and does not look in enough detail at the needs of individual towns and villages and their potential for sustainable development. All areas of the district should be objectively and consistently assessed, with particular emphasis on brownfield sites, and the wishes of the towns and parishes developing their individual neighbourhood plans. We also urge the Council to re-examine with neighbouring LPAs the potential to develop brownfield sites at M23 junction 10 as an alternative to major expansion of the District’s three main towns, which appears to be the thrust of the Council’s current plan. The land involved should of course be of limited intrinsic value in terms of strategic objective 3.

4. Additional policy proposals

- 4.1 CPRE proposes the addition of an overriding policy to prioritise the types of site that the Council will consider as being suitable for commercial and residential development, and which requires the sustainability of the development (as defined in section 2.2 of the Sustainability Appraisal) to be established as a precondition to its approval - this is not expressly stated within the currently proposed policies. That new policy should specifically require that new houses should be built close to job availability and specifically tie approval of new development to the creation of new local job opportunities. This would give further effect to the overall self-sufficiency objective of the District Plan, an objective which is also a key assumption in the sustainability appraisal. The policy should also prioritise sequentially:
- (i) the re-use of existing brownfield sites and set a target for the minimum number of new homes that should be built over the life of the Plan on brownfield sites, and then
 - (ii) other sites which minimise the need for motor vehicle usage except where specific rural exceptions identified in DP27 dictate otherwise. Such a policy would support a significant number of the strategic objectives: 1, 3, 5, 6, 7, 11, 12 and 14.
- 4.2 While CPRE recognises the role of the County Council as waste disposal authority, should the District Plan not include a policy on efficient waste and recycling? It presently receives no mention, even though the Sustainability Appraisal (para 4.22) states that “the amount of waste produced in Mid Sussex is increasing, while at the same time the land available to dispose of waste (landfill) is reducing this is seen as the most unsustainable option by which to manage waste”. Such a policy should, in our view, set specific periodic reduction targets. A policy on this subject would give further effect to strategic objectives 1,5 and 11.

- 4.3 Further suggestions for supplementing existing individual policy proposals are contained within our comments in section 2 below.

5. Monitoring the Plan and benchmarking its objectives

- 5.1 CPRE urges the Council to commit within the District Plan itself to undertake periodic, possibly bi-annual, independent reviews of the success or otherwise of the plan to achieve its strategic objectives. Regular monitoring of progress of such a long-term plan, that will have to be executed in changing economic, social and legislative conditions, will enable the Council to act on a timely basis to change its practices and revisit its policies if it becomes clear that they are not sufficiently achieving the Plan's overall objectives. Both the Council and its residents will want to know how the Plan's overall objective to make the District more self-sufficient is progressing.
- 5.2 CPRE is concerned that the draft Plan contains very limited proposals as to the standards by which its objectives and policies are to be measured. In our view benchmarking against predetermined, publicly accepted, criteria should be an essential feature of the District Plan. The absence of benchmarks creates uncertainty for all, encourages inconsistency and, potentially, the lowering of standards and, in the case of building design standards, is contrary to recommended Design Council/CABE advice. It also obscures transparency and removes accountability.
- 5.3 In our view those periodic reviews should be undertaken by a suitable independent external party whose brief should include the responsibility, where the plan or parts of it are failing to achieve their objectives, to make recommendations to the Council on options to bring it back into line. Whilst we understand that the Council intends to report on performance annually via its own Monitoring and Reporting review, we believe that the Council will benefit from also having a periodic external review of the Plan's progress, undertaken by suitable planning experts with no axe to grind vis-à-vis individual decisions taken within the Council in the course of the application of their day to day planning etc decisions.
- 5.4 We acknowledge that the chapter 5 of the Sustainability Appraisal includes some "indicators" of sustainability against which the Plan's sustainability objectives can be assessed, as required by Strategic Environmental Assessment regulations. These objectives are not, of course, the same as the Plan's overall strategic objectives and cannot substitute as ways of measuring the degree to which those strategic objectives are being successfully met over the life of the Plan. We are extremely disappointed both at the quality of the indicators identified in chapter 5 of the Sustainability Appraisal and at the absence from the District Plan of a commitment on the part of the Council to measure and report on the Plan's performance on sustainability regularly over its life. In many cases, these indicators do very little to enable effective sustainability assessments to be undertaken. We urge that more relevant and material indicators be identified and used.
- 5.5 By way of example only, we refer to the proposed indicators for measuring sustainability objective 10 which is "to protect, enhance and make accessible for enjoyment, the District's countryside" (an objective on which we make representations at para 2.1). Of the 5 indicators suggested to measure this, 3 are concerned solely with measuring new building development, and none directly addresses the protection or enhancement of the open countryside or agricultural land per se.

6. Timing

- 6.1 We would question the wisdom of seeking to finalise the District Plan to a state where it is fit for final public consultation in May (as the timetable established last spring envisages), if, as seems likely, there continue then to be material uncertainties affecting the shape of the District Plan. We are conscious of the pressures on the Council to adopt its District Plan as speedily as possible, and of the uncontrollable way in which developers are seeking to exploit

the current undesirable vacuum vis-à-vis the 5-year housing supply target. If that were to be the situation we wonder whether it might be preferable to delay the timetable for finalising the Plan and consulting on it by a few months, given that the alternative is a high risk of far longer delay with the draft Plan requiring substantial later revision (possibly as late as the public inspection stage) and a third round of public consultation. Obvious uncertainties that could require material change to the plan include:

- (i) the need to conform the Plan to the National Planning Policy Framework, which we read may not be published before April (though we note your confidence that material change on this account will not be required);
- (ii) the need to know what new housing uptake there will be under adopted neighbourhood plans, and whether neighbourhood plan consultation will make it sensible to change the District Plan in other particulars;
- (iii) possible adaptation of the Plan in the light of yet-to-emerge evidence on infrastructure and community levy implications; and
- (iv) the inability to complete the Habitats Regulations assessment until the scale of desired new development in the 7km zone surrounding the Ashdown Forest SPA and SCI sites is known, and the implications of that assessment have themselves been consulted on and factored into the Plan.

Additional time would also give the Council more time to implement the suggestions for bolstering its evidence as to District housing number needs, locations and sustainability that we have made at paragraph 2 (Housing target) above.

6.2 We flag now that we consider that further public consultation on the draft Plan should take place before, not after, the Plan is approved by the Council as fit for public examination, and that it should be for a minimum 12-week period. It is simply not practicable to expect people and organisations to complete careful reviews of the extensive documentation and evidence supporting such an important plan in a shorter timeframe.

7. Failure to demonstrate as part of the public consultation that the draft Plan is based on robust evidence

7.1 A Plan settled before the evidence exists that it claims to rely on cannot be a legally sound Plan. In particular, a sound housing strategy cannot be planned without reference to the ability of the local infrastructure to support it. So the credibility of the current consultation draft District Plan, and of this consultation exercise on it, is seriously undermined by the current absence, or belated publication, of crucial evidence, most notably:

- (i) the Infrastructure Development Plan (first available this month) and related the Infrastructure Levy charging schedule (unpublished);
- (ii) the absence of a robust analysis of deliverable sites suitable for development within the District (and availability dates) to complement the work on the housing assessment work and deliverability of 5 year housing supply targets; or
- (iii) an ecology report on the implications of the planned expansion north of Burgess Hill (policy DP6).

7.2 We appreciate the assurance from the Council's Head of Economic Planning that we will be able to comment on the draft Infrastructure Development Plan and its impact on the District Plan as part of, and during the forthcoming consultation period for, the Council's Community Infrastructure Levy proposals.

7.3 We look to the Council to ensure that all evidence on which it relies for its District Plan is complete and publicly available before the Council approves the next version of the District Plan as fit for public consultation. Future consultation will not otherwise be sound.

Section 2: Comments on specific draft District Plan policies

DP1: Economic Development

- (i) Whilst we agree that the thrust of DP1 is right, we consider that it should be amended so as to refer to the need to ensure that the social and environmental impact of these policies are also fairly weighed in the balance in deciding what commercial development to permit, and where.
- (ii) We advocate that DP1 should also specifically state that redevelopment of brownfield sites is to be prioritised. If other “criteria” are to be developed by which employment land required to meet the needs of modern business is to be assessed, the framework for such criteria should be identified within the District Plan so that the criteria are transparent.
- (iii) DP1 gives the impression that it will be for Town/Parish Councils to fight their own corners in generating local economic prosperity. We feel that MSDC should be pro-active in assisting all local Councils within the District to maximise their individual and different opportunities.

DP2: Retail Development

- (i) The policies at bullets 2 and 3 are insufficiently robust. What is needed is not “defining a network and hierarchy of village centres”, but an active District Council policy to work with the village parish councils involved to ensure the preservation and promotion of the village retail outlets, including a commitment to fight to maintain post office and banking facilities.
- (ii) We look to the Council to consider recent studies on the future of local high streets and translate any lessons that it learns from those reviews into revisions of DP2. The studies that we have in mind are listed in part 2 of the Appendix at the end of this submission.
- (iii) We query the extent to which any of the existing Town Centre Masterplans remain directly relevant and applicable as evidence.

DP3: Housing Issues

- (i) Please see our comments in para 3 of Section 1 above.
- (ii) Housing policy should be more than just about the number of houses. We would like to see DP3 extended to require neighbourhood plans to ensure that the types of new homes built in each neighbourhood are appropriate for the needs of the different, individually distinct, communities within the District.

DP4: General Principles for strategic development at Burgess Hill

We do not consider it appropriate for CPRE Mid Sussex to make comments on the District Plan that involve specific suggestions on the allocation of new development within existing built-up areas of the District. So no inference of approval or otherwise should be drawn from this submission regarding the scale or location of development proposed in DP 4 - DP6.

However, we are concerned that DP4 - DP6 give insufficient weight to the ecological and environmental implications of the development proposals, and should be strengthened to assure all concerned that the development proposals will be balanced by effective protective ecological policies. We see no evidence that the proposals have taken into account (i) any ecological studies of the development proposals in DP6, (ii) the fact that the whole of Burgess Hill's Green Crescent has been designated as a Biodiversity Opportunity Area by the Sussex Biodiversity Partnership (with large areas within the Northern Sector), (iii) Natural England's recommendation that at least three new Local Nature Reserves should be created in areas

that will be directly affected by the proposed developments, (iv) Natural England's approval of a Stewardship Scheme for Bedelands Local Nature Reserve, (v) the appointment of a manager/ranger for the Burgess Hill Green Circle Network, (despite it being included in the BHTC plan for Ditchling Common) or (vi) provision of a visitor centre within a community centre there for the manager/ranger.

Accordingly we recommend that an additional bullet be added to record as a general principle that any strategic development at Burgess Hill will *"Provide full recognition of the impact of the proposed development on the landscape and ecology of neighbouring parishes and settlements with due regard to local population values"*.

DP5: Strategic allocation east of Burgess Hill at Kings Way

- (i) Please see our comments re DP4.
- (ii) The reference to development affecting the Ditchling Common SSSI should refer to seeking ways to for it to enhance the SSSI.
- (iii) In the next bullet, we would appreciate mention of maintaining and enhancing an ecological network and protection of the natural environment for nature conservation purposes in and around Keymer Tile Works SNCI: as it stands at present, DP5 indicates a switch from nature conservation to community use, which may compromise the nature conservation worth of this SNCI.
- (iv) The public evidence base supporting DP5 should be extended to include Natural England documentation on Ditchling Common SSSI, records for the area from the Sussex Biodiversity Record Centre, and any management plan for the site produced by Lewes DC.

DP6: Strategic allocation to the north and northwest of Burgess Hill

- (i) Please see our comments re DP4.
- (ii) We would like the bullet referring to *"Environmental constraints and opportunities"* to be expanded with particular reference to maintaining and enhancing a resilient and coherent ecological network and protection of ecosystem services being made, as this area includes a major part of the current Burgess Hill Green Circle and has been classified as a Biodiversity Opportunity Area by the Sussex Biodiversity Partnership.
- (iii) In addition, we would wish to see an additional, self explanatory bullet added as part of the matters to be considered by the policy referred to at DP6 covering: *"The impact of such development on adjacent settlements and the value that local communities place on their rural environment and countryside and wildlife populations"*.
- (iv) The public evidence base supporting DP6 should include any documentation about the Burgess Hill Green Circle with particular reference to Natural England's data on the Bedelands Farm LNR, including management plans and records from the Sussex Biodiversity Record Centre.

DP7: Protection/enhancement of the countryside

- (i) We strongly support this proposed policy covering the protection of the countryside from intrusive new development, though we offer suggestions here as to how it can be enhanced. We consider that DP7 should be given further weight by cross-referencing it to the new policy we propose on the natural environment (see section 1, para 2 above) and by adding at the end a new sentence to the effect that *"In considering all planning applications outside of built up area boundaries as defined in the Proposals Map, great weight will be attached to this policy."*
- (ii) We refer you to our input at para 2 of Section 1. We ask the Council to supplement DP7 with a general statement to the effect that intrusive development will not be permitted outside town boundaries. For this purpose intrusive development would refer to any

development that has any of the following characteristics, namely development which causes noise, light or air pollution that is at an inappropriate level for rural development (a level which should be recognised as much lower than town centre development); or which leads to a material additional level of motorised traffic; or which is out of keeping with its surrounding landscape in its design, height or size, or which is otherwise obtrusive. The policy should recognise that areas of special tranquillity identified on the Proposals Map and areas to which DP10 - DP14 and DP 27 apply require the policy to be applied with special sensitivity. Ditto DP 30 and DP31 to the extent that development concerned is outside a town boundary. This proposal will assist in giving effect to strategic objective 3 in particular. We look forward to the consultation promised on new Proposals Maps.

- (iii) Given that town boundaries are to be defined for the purpose of the Plan by reference to the Proposals Map, and in order to avoid the risk of the subversion of DP7, the Proposals Map should be made a Supplementary Planning Document if that is not already its legal status.
- (iv) Re the second bullet, we would wish to see an additional sub-bullet specifying that development in the countryside will only be allowed if it would contribute to the soundness of, or extend, the existing ecological network.
- (v) Re the third main bullet we see no good reason for limiting the economic benefits of the countryside to those from a farming perspective; we suggest that the potentially important contributions from the countryside's amenity, recreational, health and tranquillity value should be taken into account. The Government's 2011 Natural Choice white paper highlights how economic benefits of the countryside are usually overlooked and undervalued.
- (vi) The last bullet needs to refer to Natural England's Natural Character Area reports 121 (Low Weald), 122 (High Weald) and 125 (South Downs), and to applicable national and international policies in assessing the impact of development proposals, as well as local landscape character evidence. The three Natural England documents should also form part of the published evidence base supporting the Plan policies.
- (vii) We would also wish to see an additional bullet expanding DP7 on the lines of: *"To have a policy that fully recognises and respects the value of previous and current local initiatives to enhance parish countryside and wildlife conservation"*.
- (viii) We wonder whether it might offer extra flexibility if the second main bullet of DP7 permitted rural development where it is identified in a neighbourhood plan as development that is deemed essential by that local community, subject always to the other safeguards incorporated in DP7.

DP8: Preventing coalescence

- (i) We naturally support strategic objective 2 and strong District-level policies that preclude coalescence of individual existing communities: strategic gaps should be preserved for their inherent value and purpose; Mid Sussex's character would be changed fundamentally and detrimentally if the separate identities of the three main towns and their individual adjacent villages were to become merged, and the ecological implications would be devastating for local wildlife. We are however doubtful whether DP8, as it stands, is sufficiently strongly worded to support strategic objective 2, or even whether DP8 is necessary given DP7, which appears to us to offer stronger protection from coalescence than DP8. Indeed, as they stand, they appear to conflict with one another unless DP8 is expressed as being subject to DP7 in the same way that DP9 is.
- (ii) We recommend that DP8 should refer expressly to the need to maintain green wildlife corridors.

DP9: Sustainable rural development and rural economy

- (i) We welcome this policy, subject to the following points of detail:
 - (a) the third main bullet at sub-bullet 2 should be supplemented in the case of rural buildings which are of architectural, historic or aesthetic merit, either in itself or as part of a group. In such cases DP9 should require that its character, appearance and setting should be retained or enhanced and any features of particular interest retained;
 - (b) we would want to see DP9 bolstered by requiring any adaptation of any existing building (whether for commercial, tourism or residential use) to ensure that the adapted building were of a suitable building standard and in a style appropriate for its rural setting and surroundings;
 - (c) re the fourth main bullet we assume that the very last bullet is intended to be indented and to form part of the fourth main bullet.
- (ii) Please incorporate here a new policy relating specific to local food production as there is no substantive mention in the draft Plan at present. We refer you to the West Sussex climate change action plan for potential policy statements to include under local food production and distribution:

www.westsussex.gov.uk/living/waste_recycling_and/climate_change/environment_and_climate_change/west_sussex_climate_change_act.aspx

DP10: New homes in the countryside

- (i) We are concerned that the interplay between DP7 and DP10 (which do not cross-refer) is unclear and will therefore create confusion. We believe that DP7 should generally be the overriding policy.
- (ii) Re the second main bullet at sub-bullet 2, if this sub-bullet is to be retained, the word “or” should be changed to “and” in the special exception allowing new homes of exceptional quality or innovation in the countryside included. For a new dwelling to be permitted it should reflect the highest standards in contemporary architecture, result in the significant enhancement of its immediate setting and be sensitive to the defining characteristics of the local area.

DP11: High Weald AONB

- (i) We consider that DP11 should contain a more robust policy against development within the AONB subject to limited exceptions, and not simply refer to matters to which the Council must “have regard”. To this end we would like to see the reference in the first bullet to “conservation or enhancement” being moved to the introductory language of the policy so that all proposals re DP11 require development proposals to conserve and enhance all the bulleted items having regard to the High Weald AONB management plan;
- (ii) In bullet 5, we ask that you refer specifically to proposals which support land based activities and to providing affordable homes for local key workers.

DP12: Ashdown Forest SAC and SPA

Please refer to section 3 of this submission for input on the draft Habitats Regulations Assessment.

DP13: South Downs National Park

In our view the Environment Act 1995, which sets out the two statutory purposes for National Parks in England and Wales, imposes an obligation specifically to conserve and enhance their

natural beauty, wildlife and cultural heritage, not merely to “have regard” to them. We also suggest that DP13 should follow the Act by referring not only to the “needs” of the local communities within the National Park but to fostering their economic and social well being.

DP14: Setting of South Downs National Park

We welcome this policy; but suggest that it should make specific mention of avoiding adverse impacts on the character and amenity of the National Park from light, air and noise pollution, which would reduce the National Park's important benefits as an area of higher tranquillity.

DP15: Tourism

We recognise that tourism is a potentially important economic opportunity within Mid Sussex subject to safeguards such as those advocated in the draft Plan. Whilst the emphasis of DP15 is on the rural economy, it omits to reflect the fact that the towns have an important part to play in contributing to tourism in the area. Maintaining the ecological connectivity within the towns and their historical and cultural attractiveness will help maximise the tourism opportunities within the district.

DP16: Securing Infrastructure

We are extremely concerned as to how the Council can be comfortable that DP16, and other policies which depend on it, are sound policies at a time when they have been developed in advance of the Infrastructure Development Plan (which was only submitted for public consultation this month) and the linked Community Infrastructure Levy schedule, which has yet to be discussed by the Council or published. In these circumstances, we reserve the right to make further comments on DP16 as part of our review of the Infrastructure Development Plan and Community Infrastructure Levy schedule on which we understand the Council will be consulting separately.

We are, though, concerned that the draft District Plan makes inadequate allowance for the reality of the impact of past and planned future development on water and sewerage infrastructure deficits, and on traffic congestion in parts of the District. The Plan therefore offers no leadership to utility providers as to the District's longer-term supply needs. The size, location and timing of new development simply cannot ignore the ability of the related infrastructure to accommodate it. To give just one example, it is assumed that South East Water will be developing a new reservoir at Clay Hill, and that this will be sufficient to provide for the water supply needs of new development in the District after 2020. In fact SEW has withdrawn its Clay Hill plan.

We believe that DP16 should be supplemented with a requirement, applicable to any development in areas that have an infrastructure deficit, whereby planning permission will only be granted where the deployment of associated CIL levy will result in an overall reduction in that infrastructure deficit for both existing and new users of the facilities and services concerned. Unless this criterion is met, the development should be treated as unsustainable.

We note the proposed policy that the CIL should normally be spent in the locality of the scheme that generated it. Whilst superficially attractive, we question the wisdom of such a policy as currently expressed: the effect of such a policy would be to create unsupported ghettos in any part of the District whose current infrastructure deficiency cannot be rectified by additional development, given the additional stress from that proposed new development on that already deficient infrastructure.

The underlying assumption of a policy of the kind proposed by the Council is that more development to generate CIL levies will necessarily result in a net improvement in the quality of the infrastructure. Whilst in some cases it will do so, as a general proposition it lacks any supporting evidence, and seems patently unlikely to be true. We believe that the policy on CIL spending in the last bullet of DP16 should specifically allow the Council to apply CIL, subject to appropriate safeguards against abuse, to support the improvement of

infrastructure in parts of the District which cannot sustainably accept additional new development at a level needed to generate a net improvement in its relevant infrastructure.

DP17: Transport

We propose that DP17 should incorporate a more assertive policy to decrease reliance on private car travel within the District (65% of all journeys to work in 2001) and that the Council should specifically measure that percentage in different parts of the District as of a current date and over the life of the Plan. The Burgess Hill Green Circle Network is a classic example of encouraging people to use alternatives to the car for travel. This scheme not only meets transport criteria but also biodiversity criteria (ecological networks) as exemplified in the Lawton Report, the current Natural Choice white paper and the UK National Ecosystem Assessment.

DP18: Rights of way and recreational routes

- (i) We recommend that DP18 be extended to include a specific policy to protect historic droveways, which are particularly characteristic of Sussex and an important, but threatened, part of the county's cultural heritage. (The main threats are identified within the High Weald management plan.). We suggest that the policy should provide that,

"The historic routeways of the District will be protected and managed sensitively. Development will only be permitted where it would not adversely affect the historic alignment, character, cultural interest, wildlife value or recreational opportunity of historic routeways e.g. through increasing motorised vehicle movements or introducing inappropriate vehicles onto a routeway now used as a road; or the loss of cultural heritage features associated with the routeway; or suburbanisation through the introduction of non-native species, inappropriate boundaries and gates or intrusive highway engineering".

- (ii) We recommend that CIL should be made available to support maintenance, upgrading and linking of local rights of way.

DP19: Communication Infrastructure

- (i) We believe that DP19 should specify the timetable by which faster broadband is to be available throughout the District and how different communities will be prioritised. We would not agree with a timetable that disadvantaged rural communities as against the towns.
- (ii) We suggest that DP19 should specifically preclude masts that are obtrusive or otherwise out of character with their immediate locality.

DP20: Leisure and cultural facilities/activities

- (i) We would like to see DP20 extended to support the work of the New Economics Foundation on well-being in the community, and particularly the studies commissioned as to the role of local government in promoting well-being through its planning, transport, education, leisure, and housing policies. To that end the evidence base for the District Plan should, in our view, include NEF reports "The role of local government in promoting well-being (November 2010), www.neweconomics.org/publications/the-role-of-local-government-in-promoting-well-being); and "Well-being and the environment (August 2005), www.neweconomics.org/publications/well-being-and-environment).
- (iii) DP20 should permit cultural and leisure facilities and activities in the countryside where they would be for the use of the local community, small-scale and would not cause unacceptable harm through visual impact or lighting or ecological damage.

- (iii) We consider that DP20 is an appropriate place to include a policy whereby MSDC agrees to encourage town and parish councils to identify and promote Local Green Spaces in neighbourhood plans and maintain at District level a list of places recognised at District and County Council level as protected green spaces.
- (iv) We suggest that in the first bullet the word “supports” be replaced by “promotes”.

DP21: Community facilities and local services

- (i) We believe that the infrastructure audit should identify all community facilities, their current condition and the cost of running and maintaining them. We suggest that DP21 should require a plan to be established for the continued funding and upkeep of all public facility establishments.
- (ii) Re 2nd bullet: where proposals involve the loss of a community facility or service, the policy should be that an adequate replacement or duplicate facility/service must be provided locally unless it can be demonstrated that the facility or service is no longer required. A viability test is too loose a concept to be acceptable, in our view.

DP22: Character and design

- (i) Re the 1st bullet, we consider it important to identify within DP22 (or in an SPD referred to in DP22) how the minimum acceptable standards of design and layout will be benchmarked; e.g. DCLG Code for Sustainable Development (not otherwise mandatory and which will complement proposed sustainability indicator No 1) and energy performance certificates. Otherwise there is a risk of undue developer influence over, and watering down of, design standards on an individual development basis. We do not understand or accept the unexplained and unsupported assertion in the Sustainability Appraisal that the setting out of general design standards “does not provide a broad strategic option”.
- (ii) Energy efficiency and sustainability are essential elements of design, and need to be identified specifically as aspects that will be required and measured. Again we advocate that a minimum standard should be part of DP22.
- (iii) We urge that specific reference should be made to DP22 extending to retail and commercial premises;
- (iv) Re the 3rd bullet, DP22 should require development on the edge of settlements to have regard to the landscape setting of those settlements.

DP23: Accessibility

We would like to see DP23 identify the minimum standard by which accessibility will be benchmarked.

DP24: Noise, air and light pollution

- (i) We refer you to our proposal in para 2 of section 1 above for a specific tranquillity policy. If accepted, DP24 would need to cross-refer to, and be made subject to, that new natural environment policy. In any event, we believe that DP24 should expressly acknowledge that acceptable levels of pollution in the countryside will be lower than in urban areas.
- (ii) Please identify within DP24 the minimum standards by which levels of acceptable noise, air and light will be benchmarked.
- (iii) Please would you make the Air Quality Management Plans mentioned at the last bullet of DP24 available on MSDC’s website.

DP25: *Housing mix*

We would like to understand better the Council's thinking behind the third bullet re retention of small countryside dwellings, and how it is intended to interface with other policies on development within the countryside.

DP26: *Affordable housing*

Our concern would be that the proportion of affordable homes (30%) will reduce if developers are allowed to escape the requirement on non-viability grounds unless any shortfall is to be applied in increasing the overall percentage. It will all too often be in a developer's interest to plead non-viability, and the Council will be poorly placed to challenge that plea. Should not DP26 say that developments that cannot viably include sufficient affordable homes are to be treated as non-sustainable, and/or include a requirement that developers who do not provide the requisite level of affordable homes should incur a commutation payment obligation at a level that disincentivises non-compliance?

DP27: *Rural exception sites*

We broadly support this policy. However:

- (i) insufficient thought appears to have been given to the interplay of DP27 with DP7 to DP14; and
- (ii) all new rural housing should have to satisfy the test in DP7 that it contributes to the vitality of the rural economy and maintains or enhances the quality of the rural and landscape character of the District.

DP28: *Gypsies and travellers*

Reference should be made within DP28 to the advice in Circular 1/2006 that gypsy and travellers site should only be permitted in AONBs and National Parks where the purposes of designation would not be compromised.

DP29: *Listed buildings and others of merit*

We are concerned that DP29 is meaningless unless it is amplified vis-à-vis the content of the "policy framework" and the criteria for determining "buildings of merit" to which DP29 is to apply.

DP30: *Conservation areas*

- (i) Whilst we note that MSDC is required to review the extent of the designation and to draw up and publish proposals for the preservation and enhancement of their conservation areas, we gather from the sustainability appraisal that MSDC has in fact adopted assessments for only 4 out of 36 conservation areas in the District. In view of that, we regard it as vital that DP30 should include a specific policy on the establishment of a timeframe for adopting assessments of the remaining 32 conservation areas.
- (ii) We urge that DP30 should clarify standards to be expected of any acceptable development where the development is liable to impact a conservation area (compare DP31 which does set out standards for historic parks and gardens), and to require a contribution towards the maintenance of its amenity.
- (iii) DP30 should be to protect and seek to enhance our conservation areas. In our opinion, views within, as well as into and out of, the area should be considered in the context of all development inside or adjacent to conservation areas.
- (iv) We urge the establishment of specific policies within the District Plan not only to protect and enhance the 13 SSSIs, 50 SNCLs and 5 Local Nature Reserves within the

District but also to create more where appropriate.

DP31: Historic parks and gardens

We suggest that DP31 should require permitted development to which DP31 applies to contribute towards the maintenance of the park or garden's amenity as a condition of the planning consent.

DP32: Archaeological sites

No comment.

DP33: Biodiversity/ natural habitat protection.

Please see our proposals re a broader natural environment policy at para 2 of Section 1 above.

DP34: Sustainable resources

We support this policy, subject to what we say in relation to a new natural environment policy. We are pleased to see that DP34 sets a standard by which sustainability is to be measured. We suggest that, as a matter of policy, existing Council-owned properties should be made more energy efficient/sustainable over a defined period of time.

DP35: Renewable energy in new developments

We generally support DP35 subject to:

- (i) the policy being extended to promise an effective system to monitor and report energy savings achieved;
- (ii) the phrase "*employment developments*" being changed to the broader "*non-residential developments*". As the heading to DP35 implies, all new development should contribute to carbon emission reduction (failing which, the title to DP35 needs correcting to "*Renewable energy in some new developments*"); and
- (iii) the replacement of the phrase "not viable or feasible" with "unachievable" - a woolly viability test gives developers far too easy a let-out.

DP36: Renewable energy schemes

We support DP36, and propose that the list of sensitive locations mentioned in DP36 should include the South Downs National Park and Conservation Areas.

DP37: Flood risk

- (i) We would prefer to see DP37 and DP38 redesignated as DP37 Flooding and DP38 Water Supply and Wastewater Treatment. This would give greater emphasis to treating flooding holistically, with SuDS in particular being robustly linked to Flooding. Reference to the Water and Sewerage Companies DG5 schedules for properties flooding from sewers would emphasise the need for such an holistic approach;
- (ii) We strongly support "*Where possible, proposals for development should seek to rectify these problems and reduce the risk of flooding in these areas.*" However, it would not necessarily "*avoid areas of flood risk*", as new development could provide opportunities and finance to solve existing flooding issues. This could solve existing problems and minimise development spreading unnecessarily into the countryside;
- (iii) There is no reference to policy being influenced by the need to mitigate the impact of climate change, which is surprising. Whilst it is appreciated that it is covered in the documents referred to, it is such an important subject that it should be referred to directly in DP37;
- (iv) We note the Policy Aims in Table 4 of the MSDC SFRA such as Flood Zone 3a (High Probability of flooding) "Developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area, through the layout and form of the

development (including application of SuDS), and relocate existing development to land with a lower probability of flooding. Opportunities should also be sought to create space for flooding to occur by restoring functional floodplains and flood flow pathways and by identifying, allocating and safeguarding open space for flood storage.” We fully support this concept and feel that DP37 would be strengthened by similar wording being included, possibly *“Land that is considered to be required for current and future flood management will be safeguarded from development.”*

- (v) We strongly support the last paragraph of DP37 referring to the protection of land needed for current and future flood relief. In particular, SuDS is an excellent concept, but the MSDC area is a good example of one where extreme care is needed in its application due to the variable permeability of the surface geology. This would tend to require larger areas of land being required to provide flood relief.
- (vi) In identifying land for flood relief, attention must be given to the biodiversity implications and any threat to local ecological connectivity.

DP38: Water infrastructure and environment

- (i) As with DP37, we wish to see a direct reference in DP38 to the need to address climate change as being essential;
- (ii) We note the reference to only developments *“of more than 10 dwellings”* needing to demonstrate that drainage and water supply capacity is available. This needs another caveat relating to the potentially significant cumulative effect of smaller developments;
- (iii) We agree the concept of the preferred hierarchy of managing surface water drainage from any development given in DP38, but query the third item relating to the discharge to surface water sewers. These would generally discharge to a watercourse and would not appear to be different to the second item. Discharges to surface water sewers would also need attenuation to reduce the flows to the watercourse. We certainly agree that such discharges should not be to foul or combined sewers if that is what is meant;
- (iv) We fully support the first and second bullets in DP38 re redevelopment of brownfield sites and imaginative solutions to improve biodiversity.
- (v) All SuDS facilities need maintenance and this needs to be clearly established in the planning process;
- (vi) We note the comment relating to the statutory water authorities being consulted. We assume that this includes involvement with their Periodic Review 14 process which must now be in hand and in effect sets their continuing capital programmes for 2015 to 2020;
- (vii) CPRE Sussex presented evidence to the Public Inquiry on South East Water’s (SEW) revised draft Water Resources Management Plan (WRMP) in 2010. That plan was to cover the period from 2010 to 2035. CPRE was critical of the demand figures which were considered to be excessive and of the proposal for a new reservoir at Clay Hill near Ringmer. Entec’s report *“Gatwick Sub Region - Outline Water Cycle Study”* states that it was written before the outcome of the Inquiry was known. DEFRA’s letter of 30 November 2010 to SEW included:- *“The Inspector has concluded that, post 2020, there are doubts about the fitness of the plan for the purposes of managing and developing South East Water’s water resources. These doubts arise in respect of the demand forecasts post 2020 and the justification for some of the supply side options.”* SEW has now dropped its proposal for a reservoir at Clay Hill. With these question marks over the WRMP after 2020 it is clear that there are doubts about SEW’s plans to serve its area, and hence its implications for development options in parts of the District served by SEW.
- (viii) Consistent with what we say at section 1 para 3.5, we would wish to see included a policy requiring Thames Water to secure the resources and authority to construct new

sewerage treatment facilities capable of servicing any significant development at junction 10 of the M23 after 2021.

- (ix) We would wish to see specific reference in DP38 to a policy to protect and enhance water quality in watercourses that addresses comments in the Sustainability Appraisal at pp 20-21.

Section 3: CPRE input on the interim Habitats Regulations Assessment by UE Associates (“UE”)

1. We recognise that a full assessment of the impact of development proximate to the SAC/SPA sites on Ashdown Forest is not possible until the amount of proposed development under the District and relevant neighbourhood plans has been ascertained. This highlights that the District Plan can only be finalised once a full assessment has been undertaken, and the implications of that assessment have been the subject of public consultation. It also bears on the timetabling point we make at Section 1, para 6 above.
2. Non-publication of the new screening report precludes consideration of whether other factors such as noise and light pollution have properly been screened out from the need for assessment.
3. We disagree with the view expressed by UE (UE report para E4.5) that the impact of the considerable cumulative development within the 7km zone of influence (we believe about 1,400 new homes including allocations under the 2008 SSHAA since 2004) can be ignored in assessing the impact of cumulative development on the protected sites. We believe that MSDC is legally required to take it into account, given that none of the development or allocations over the last 10 years have been the subject of any Habitats Regulations Assessment. UE’s explanation that Natural England’s survey will have factored in that increase is misguided given that (a) Natural England’s 2008 survey could not take into account either the large stock of approved/allocated development, including all the development allocated under the 2008 Small Scale Housing Allocation document, that had not been completed at the time of the survey, or planning consents granted thereafter, and (b) the Natural England report does not deal with the traffic pollution problem identified by UE.
4. Measurements of overall increased traffic pollution and visitor disturbance must take account of all new development round the SAC/SPA sites, not merely the Mid Sussex 7km zone. That must also include new industrial and commercial development, which is not mentioned in UE’s report.
5. We note with concern that UE has reported that critical levels of both nitrogen and acid deposition at which harm to protected habitats and species occurs are already considerably exceeded (no doubt caused in part by unassessed development permitted during the last decade or more). We also note that UE says that these pollution effects are potentially reversible. Given this conclusion it surely follows that:
 - (i) it is wholly misguided to assess the significance of future potential air pollution degradation from increased traffic flows by reference to DMRB factors (see UE para 5.3.2), since these allow very considerable tolerance in increased traffic flows before an adverse impact is deemed potentially significant. In reality all further increase in traffic will inevitably have a significant adverse impact until pollution levels are reduced below the critical baselines. In our view, the District Plan should only permit further development within the 7km zone where it can be demonstrated that conditions attached to the planning permissions would be effective to reduce current excessive pollution levels below the relevant critical levels;

- (ii) specific and effective pollution avoidance or mitigation measures must be implemented under the District Plan. At present none is proposed; and
 - (iii) the District Plan must set maximum acceptable baseline pollution standards, as well as containing specific proposals and timeframes to reverse pollution levels that exceed those baselines; and those targets must be monitored regularly.
6. We have been concerned that Natural England's 2010 survey of the impact of visitors on protected bird species on the SPA site does not provide a basis on which it is possible to conclude whether or not further development within the 7km zone will have a material adverse effect on the protected bird and habitats. We note, in particular, the absence of evidence, and of comparative data, as to whether visitor disturbance or pollution is affecting the breeding patterns of protected bird species which already have low-level presence on the SPA. This means that the long term self-sustaining viability of their breeding populations on Ashdown Forest cannot be assessed. This makes the bird conservation objectives in Appendix 1 of UE's report unmeasurable.
7. The interim UE report does not address whether the Council should be considering imposing a maximum cap on the extent of new development that should be permitted within the 7km zone as a primary way of avoiding harm from visitors to the SAC/SPA sites. There must surely be a limit on the extent to which SANGs could absorb the impact of additional development. In our view UE need to be asked to address that question specifically in their final assessment.
8. In any event, in our opinion SANGs could only be an effective mitigation measure against disturbance of birds on the Ashdown Forest SPA site if UE's final assessment identifies clearly:
- (i) what the SANG must achieve by way of protection of the bird species on the SPA in order to be effective,
 - (ii) how and when that will be measured,
 - (iii) what robust evidence exists to support their inherent (but quite possibly misplaced) assumption that SANGs would be effective to persuade people who would otherwise visit the Forest to use the SANG instead since, without that behaviour shift, there will be no mitigation, and
 - (iv) what additional effective mitigation measures must be built into the Plan to achieve the defined level of protection in the event that the SANG is not achieving the required level of mitigation.

None of these factors is discussed in UE's interim assessment.

We believe that the District Plan needs to state clearly what standard planning conditions, restrictions or limitations it envisages the Council imposing under section 68 of the Conservation of Habitats & Species Regulations 2010 to ensure that the integrity of the protected SAC/SPA sites is not adversely affected. Publication will ensure transparency and consistency of approach.

Appendix - Additional evidence base documents referred to in respect of our submission

Part 1 - Additional evidence base documents referred to in respect of our proposals in section1, paragraph 2 for a new natural environment policy

1. Lawton Report, “Making Space for Nature” (2010), (<http://archive.defra.gov.uk/environment/biodiversity/documents/201009space-for-nature.pdf>)
2. Natural Environment White Paper, “The Natural Choice: *a review of England’s wildlife sites and ecological network*” (June 2011), (<http://www.archive.defra.gov.uk/environment/natural/documents/newp-white-paper-110607.pdf>)
3. UK National Ecosystem Assessment (June 2011) (<http://uknea.unep-wcmc.org/>)
4. Biodiversity Strategy 2020 (August 2011) (www.defra.gov.uk/publications/files/pb13583-biodiversity-strategy-2020-110817.pdf)
5. Convention on Biodiversity Strategic Plan Aichi Strategic Goals (October 2010) (www.cbd.int/)
6. EU Biodiversity Strategy (June 2011)
7. The Economics of Ecosystems and Biodiversity reports (www.teebweb.org)
8. The evidence documents already listed under DP33
9. MSDC Database of District Biodiversity Study Areas and Conservation Initiatives held by the MSDC Landscapes Business Unit. (This evidence is the product of considerable work undertaken with MSDC’s support and provides a lot of detail on the impact of development on the flora and fauna affected, which should be considered whenever planning applications are considered in parts of the District covered by the evidence studies).

Part 2 - Additional evidence base documents referred to in respect of our comments on DP2 - Retail Development

1. New Economics Foundation report on “Clone Town Britain” (June 2005) (www.neweconomics.org/publications/clone-town-britain)
2. New Economics Foundation report: Reimagining the High Street” (September 2010) (www.neweconomics.org/publications/reimagining-the-high-street)
3. Portas High Street Review (December 2011) (www.bis.gov.uk/highstreet)