

**SUBMISSIONS BY THE CAMPAIGN TO PROTECT RURAL ENGLAND, SUSSEX BRANCH CIO TO MID SUSSEX DISTRICT COUNCIL IN RESPECT OF ITS OCTOBER 2019 CONSULTATION DRAFT SITES ALLOCATION DEVELOPMENT PLAN DOCUMENT AND RELATED EVIDENCE**

| POLICY REF | POLICY TITLE | CAMPAIGN TO PROTECT RURAL ENGLAND, SUSSEX BRANCH CIO SUBMISSIONS  |
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|            |              | <p><b>Introductory Remarks:</b></p> <p>We refer to ourselves below as CPRESx, and to the Site Allocations Development Plan Document as the SA DPD. The Conservation of Habitats and Species Regulations 2017 (as amended) are abbreviated here to the “Habitats Regulations” and the National Planning Policy Framework is shortened to the “NPPF”.</p> <p>In submitting these representations CPRESx has considered the policies and site allocations proposed. We do not comment at this stage on the comparative merits of individual sites considered for allocation but rejected by the Council.</p> |

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| SA1 | Additional sustainable Site Allocations | <p>1. <b><u>Habitats Regulations Assessment (HRA) implications.</u></b></p> <p>We applaud the unusual lucidity and detail of the accompanying draft HRA. Nonetheless we are concerned that, absent further robust evidence in its next iteration to support its current recommendations, the assessment will not provide the Council with the high level of scientific confidence required under the Habitats Regulations to enable it justifiably to conclude that the Site Allocations DPD will not adversely affect the integrity of the two European sites on Ashdown Forest.</p> <p>We highlight the following points in particular:</p> <p><b>1. General:</b></p> <p>Please could the next iteration of the HRA make clear what maximum number of new dwellings and employment places within Mid Sussex it is assessing. We ask because the Council is proposing to allocate sites for more homes than its current Local Plan target and because at policy SA10 the Council intends to increase (by, so far, an unspecified amount) the number of windfall homes it anticipates being completed. It should also be made clear whether or not the final version of this HRA is intended to satisfy the requirement in Local Plan policy DP4 that the proposed step-up in the housing target from 876 dpa to 1,090 dpa (average) be dependent upon a further satisfactory HRA.</p> <p><b>2. Air quality:</b></p> <p>1.2.1 Under the Directives, the Council has a responsibility “to restore” degraded EU sites. It is accepted within the HRA that the SAC heathland habitats are degraded by reason of nitrogen and ammonia deposition generated by, inter alia agricultural practices and vehicle emissions. We appreciate that Natural England is advising the Council on a future Site Nitrogen Emissions Plan. However the tentative conclusions on vehicle emissions lead to the conclusion that increased traffic flows resulting from the planned additional development will retard the improving background picture of expected reductions in nitrogen and particulate emissions over the life of the Local Plan as more electric or hybrid vehicles, fewer diesel vehicles and other such factors replace the current vehicle mix using Ashdown Forest. In our view such a conclusion would preclude the approval of further development beyond 876 dpa. The law requires the Council to have a positive policy to restore the Ashdown Forest SAC to a healthy condition; but no such</p> |
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|            | <b>EMPLOYMENT SITE ALLOCATIONS</b>                    |  |
| <b>SA2</b> | Burnside Centre, Victoria Road, Burgess Hill          | No comment.  |
| <b>SA3</b> | Site of former KDG, Victoria Road, Burgess Hill       | No comment.  |
| <b>SA4</b> | Land north of A264 at M23, junction 10                | No comment.  |
| <b>SA5</b> | Land at Bolney Grange Business Park, Bolney           | No comment.  |
| <b>SA6</b> | Merrylands Nursery, Cowfold Road, Bolney              | No comment.  |
| <b>SA7</b> | Cedars, Brighton Road, Pease Pottage                  | In our view any future development of this High Weald AONB site and that proposed in SA8 would constitute major development for the purposes of para 172 of the NPPF. Please refer to our submission re policy SA1 at para 2 re High Weald AONB Conservation implications. |
| <b>SA8</b> | Pease Pottage Nurseries, Brighton Road, Pease Pottage | In our view any future development of this High Weald AONB site and that proposed in SA7 would constitute major development for the purposes of para 172 of the NPPF. Please refer to our submission re policy SA1 at para 2 re High Weald AONB Conservation implications. |
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|            | <b>SCIENCE &amp; TECHNOLOGY PARK</b>                  |  |

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| <b>SA9</b>  | Land to the north of the A2300, Burgess Hill | <p>We invite you to indicate in the SA DPD that any planning consent that a condition will be imposed limiting the number of employee car parking spaces in order to encourage sustainable travel.</p> <p>We also suggest that your Council impose TPOs now on all significant trees that you say must be retained in accordance with Landscape, Biodiversity &amp; Green Infrastructure Considerations.</p>  |
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|             | <b>HOUSING SITE ALLOCATIONS</b>              |   |
| <b>SA10</b> | Housing                                      | <p>Mid Sussex, as a primarily rural district, is subject to significant constraints on its ability to deliver more housing. We recognise the challenge that your Council faces in meeting the target set in the current Local Plan. It remains our view that, given the amount of specially designated and other valued countryside within the District, and the challenge of delivering sustainable transport systems in and across rural areas, the ability of the District to absorb more housing is not infinite; and that there is in reality a capacity cap on the level of new housing that can be sustainably delivered in Mid Sussex, whether to meet local District need or that of neighbouring authorities. That reality will need to be factored into the forthcoming Local Plan review.</p> |

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| <b>SA11</b> | Additional Housing Allocations | <ol style="list-style-type: none"> <li>1. The changes proposed in the SA DPD to the housing contribution that each town and village is individually expected to make to the overall stepped-up housing target from those that appear on p.37 of the Local Plan are not clearly shown, and no rationale for the individual changes is provided within the SA DPD. There is, we think, a question as to whether there should be greater equity in the allocations as between the Category I towns. Why, by way of example, has Burgess Hill's been reduced by 531 dwellings whilst the targets for Haywards Heath and East Grinstead have been increased? We request that an additional column be added to Appendix B recording the new Minimum Requirement over Plan Period, and that those changes be justified. Or, if the reality is simply that these are not hard and fast expectations for any individual community, let that be on the public record in the SA DPD.</li> <li>2. It is not apparent that resilience to the effects of global warming has been considered as part of the assessment of individual site sustainability.</li> <li>3. It is also not apparent that the Council search for suitable housing development sites has given sufficient attention to maximising opportunities to increase housing within the major town centres as part of town centre regeneration opportunities and as an alternative to such extensive greenfield site allocations, some of them within or affecting important designated areas. For example, could the much needed, but stalled, major Burgess Hill town centre redevelopment be made more financially attractive to the proposed developer by increasing the volume of permitted housing there, thereby relieving the pressure on finding greenfield housing sites on Burgess Hill's outskirts? We urge your Council vigorously to explore with potentially interested parties the deliverability of potential town centre regeneration sites.</li> <li>4. We would encourage your Council to identify as part of the allocation of individual housing sites the kind of housing mix (including size, older and disabled person needs etc and, in the case of affordable/social housing, tenure) that the Council considers, having regard to relevant neighbourhood plans, is most needed and appropriate. It is every bit as important that the right types of homes are built</li> </ol> |
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| <b>SA12</b> | Land south of 96 Folders Lane, Burgess Hill<br>(43 dwellings)                       | Our concerns re allocation of this site and the SP13 site are as to their potential impact on the setting of the South Downs National Park, loss of high quality biodiverse countryside that currently represents a clear boundary edge to Burgess Hill's southern flank, and the cumulative potential for severe local traffic congestion.   |
| <b>SA13</b> | Land south of Folders Lane and east of Keymer Road, Burgess Hill<br>(300 dwellings) | Our concerns re allocation of this site and the SP12 site are as to their potential impact on the setting of the South Downs National Park, loss of high quality biodiverse countryside that currently represents a clear boundary edge to Burgess Hill's southern flank, and the cumulative potential for severe local traffic congestion.   |
| <b>SA14</b> | Land south of Selby Close, Burgess Hill (12 dwellings)                              | No comment.   |
| <b>SA15</b> | Land south of Southway, Burgess Hill<br>(30 dwellings)                              | We are disappointed to see this designated Local Green Space in Burgess Hill's neighbourhood plan allocated for development, primarily (it appears) because it is overgrown and unsightly. We are also surprised that, as a Local Green Space, the site is largely fenced off. Delivery of the Council's housing target does not require allocation of this small site. We believe that rather than allocating this as a housing site, your Council should be more ambitious and seek to work with Burgess Hill Town Council and local amenity groups to bring this land into fit condition compatible with its designation and ensuring its future amenity usefulness. There would be no such environmental gain from developing this site. Already much of the immediately surrounding area has been lost to development over the last decade. Preservation of this last green section matters therefore. |
| <b>SA16</b> | The Brow & St Wilfrid's School, Burgess Hill<br>(200 dwellings)                     | No comment.   |
| <b>SA17</b> | Woodfield House, Isaacs Lane, Burgess Hill<br>(30 dwellings)                        | Please refer to our submission re policy SA1 at para 3.1 re safeguarded minerals sites. Otherwise no comment.   |

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| <b>SA18</b> | East Grinstead Police Station, East Grinstead<br>(22 dwellings) | Please refer to our submissions re<br>- policy SA1 at para 1 re Habitats Regulations implications including para 1.3 re recreational pressures on the Ashdown Forest SPA; and<br>- policy SA11 para 5 re services provision.<br>Otherwise no comment. |
| <b>SA19</b> | Land south of Crawley Down Road, Felbridge<br>(200 dwellings)   | Please refer to our submissions re<br>- policy SA1 at para 1 re Habitats Regulations implications including para 1.3 re recreational pressures on the Ashdown Forest SPA; and<br>- policy SA11 para 5 re services provision.<br>Otherwise no comment. |

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| <p><b>SA20</b></p> | <p>Land south and west of Imberhorne Upper School, East Grinstead<br/>(550 dwellings)</p> | <p>In our view the sustainability of major development on this currently rural site, and hence its suitability for allocation, requires further robust analysis and explanation before the soundness of this proposed allocation can be established. In particular:</p> <ul style="list-style-type: none"> <li>- The practicalities of accessing East Grinstead town centre and community facilities sustainably and safely from a relatively remote, out of town site, some parts of which will be 2 km or more away, without resort to cars;</li> <li>- The issues raised in our submissions re policy SA1 at para 1 regarding Habitats Regulations implications, at para 2.3 re recreational pressures on the Ashdown Forest SPA; and re policy SA11 at para 5 regarding services and infrastructure provision;</li> <li>- Acceptable site density and building height levels. We do not consider that 4 story buildings are appropriate in a non-urban area that will be surrounded by open countryside. Nor would it be compatible with policy DG32 in your proposed Design Guide;</li> <li>- The implications of loading a considerable number of additional vehicles onto overcrowded roads and onto junctions that have long been recognised (including the most recent Systra transport reports) as serious bottlenecks, especially those at the end of Imberhorne Lane and the A22/A264 junction. Development should not be allowed to commence until all 5 road junction improvements long promised to the north of East Grinstead have been completed;</li> <li>- The implications of the harm that would be liable to be caused Hedgecourt SSSI and to the setting of the nearby heritage assets, to which appropriate planning weight will have to be given when considering any planning application;</li> <li>- On-site and off-site environmental net gain opportunities that will more than sufficiently compensate for the considerable loss of high quality open countryside and its biodiversity. We would, for example, invite the Council to consider requiring the planting of new hedgerows; and</li> <li>- The conservation and upgrading of the Worth Way and other PRoWs, especially those whose use is expected to increase as a result of the proposed development.</li> </ul> |
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| <b>SA21</b> | Land at Rogers Farm, Fox Hill, Haywards Heath (25 dwellings)      | No comment.  |
| <b>SA22</b> | Land north of Burleigh Lane, Crawley Down (50 dwellings)          | Please refer to our submission re policy SA1 at para 1 re Habitats Regulations implications including para 1.3 re recreational pressures on the Ashdown Forest SPA. Otherwise no comment.  |
| <b>SA23</b> | Land at Hanlye Rd east of Ardingly Road, Cuckfield (55 dwellings) | Please refer to our submission re policy SA1 at para 3.1 re safeguarded minerals sites. Otherwise no comment.  |
| <b>SA24</b> | Land north of Shepherds Walk, Hassocks (130 dwellings)            | Please refer to our submission re policy SA1 at para 3.1 re safeguarded minerals sites. Otherwise no comment.  |
| <b>SA25</b> | Land west of Selsfield Road, Ardingly (100 dwellings)             | In our view any future development of this High Weald AONB site would constitute major development for the purposes of para 172 of the NPPF. Please refer to our submission re policy SA1 at para 2 re High Weald AONB Conservation implications. This site has characteristics akin to those of the Butchers Field, Ardingly site for which a much smaller development was refused at a planning appeal in 2014 (PINS Ref: APP/D3830/A/12/2172335). |
| <b>SA26</b> | Land south of Hammerwood Road, Ashurst Wood (12 dwellings)        | No comment.  |
| <b>SA27</b> | Land at St Martins Close West, Handcross (65 dwellings)           | In our view any future development of the two parcels of this High Weald AONB site would, considered cumulatively, constitute major development for the purposes of para 172 of the NPPF. Please refer to our submission re policy SA1 at para 2 re High Weald AONB Conservation implications.   |

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| <b>SA28</b> | Land south of The Old Police House, Horsted Keynes<br>(25 dwellings) | Table 2.5 incorrectly identifies the location of this site as being in Ardingly. It is in Horsted Keynes. Otherwise no comment.   |
| <b>SA29</b> | Land south of St Stephens Church, Horsted Keynes<br>(30 dwellings)   | No comment.   |
| <b>SA30</b> | Land north of Lyndon, Reeds Lane, Sayers Common<br>(35 dwellings)    | Please refer to our submission re policy SA1 at para 3.1 re safeguarded minerals sites. Otherwise no comment.   |
| <b>SA31</b> | Land at Firlands, Church Road, Scaynes Hill<br>(20 dwellings)        | Please refer to our submission re policy SA1 at para 3.1 re safeguarded minerals sites. Otherwise no comment.   |
| <b>SA32</b> | Withypitts Farm, Selsfield Road, Turners Hill<br>(16 dwellings)      | <p>Site 32 is small scale AONB site located outside Turners Hill village boundary, sticking out incongruously into the countryside. It is not offered as a rural exception site; it is unclear whether it would even provide a 30% quotient of affordable housing; and, as such, it is probably inappropriate. Delivery of the Council's housing target does not require allocation of this small site.</p> <p>Please also refer to our submission re policy SA1 at para 3.1 re safeguarded minerals sites.</p> |
| <b>SA33</b> | Ansty Cross Garage, Ansty<br>(12 dwellings)                          | No comment.   |
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|  | <b>DEVELOPMENT POLICIES</b> | <p>We do not consider that the Council can any longer avoid having a specific, robust, policy as an integral part of its Local Plan to address its own commitments to reduce climate change impacts via the planning process, and its expectations of those who become involved in the planning process to do so. A robust climate change policy would feed directly into your Local Plan objectives, particularly those addressing environmental protection, healthy lifestyles and economic vitality.</p> <p>Arguably the absence of any climate change policy puts the Council in breach of section 19 (1A) of the Planning and Compulsory Purchase Act, as amended under the Planning Act 2008 which, together with the NPPF, puts local authorities under a positive duty to reduce future climate risks through the planning system and to ensure that Local Plans contribute to climate adaptation. We note that this law is not even included in the list of applicable legislation in Appendix 1 of the Sustainability Appraisal. LPAs have a leadership responsibility to ensure through the planning system that all new and adapted buildings, and infrastructure supporting them, are climate resilient and energy efficient. How can the Council demonstrate its compliance with these obligations in the absence of a Local Plan policy that sets the ground rules for what is required of developers, and the Council's own role in securing reductions in atmospheric pollutants that increase temperatures and in promoting energy efficiency, not least in building design and retro-fitting?</p> <p>We particularly commend the recent guidance "Preparing for Climate Change: Good Practice Guidance for Local Authorities" (June 2019) published by the Association of Directors of Environment, Economy, Planning &amp; Transport in conjunction with DEFRA (<a href="https://www.adeptnet.org.uk/climategpg">https://www.adeptnet.org.uk/climategpg</a>) as a starting point for the defining of the scope of an appropriate climate change policy for Mid Sussex. Opting out of having a comprehensive climate change policy would be an abnegation of responsibility to protect Sussex's citizens.</p> <p>An essential element of an effective, sound, climate change policy is that it should seek to secure energy-efficient dwellings, both new builds and through retro-fitting the existing much larger housing stock. We appreciate that the Council's draft Good Design Guidance, now being consulted on, does offer helpful guidance to developers on what the Council considers to be appropriate energy efficient new home design. However, as it stands, that guidance would exist in a policy vacuum. What is needed is a clear Council directive in</p> |
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| <b>SA34</b> | Existing Employment Sites                             | <p>Please amend the last bullet as shown in red below</p> <ul style="list-style-type: none"> <li>• <i>“Where the impacts of expansion is assessed in-combination with the existing site, and the overall impact of existing plus expansion <b>represents sustainable development, conforms to other Plan policies and</b> is considered acceptable”.</i></li> </ul> |
| <b>SA35</b> | Safeguarding sites for Strategic Highway Improvements | No comment.   |
| <b>SA36</b> | Wivelsfield Railway Station                           | No comment.   |

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| <b>SA37</b> | Burgess Hill to Haywards Heath Multifunctional Network | <p>The need for non-vehicular links between Burgess Hill and Haywards Heath has long been obvious, and should be extended southwards from Burgess Hill to Hassocks, which is also seeing explosive housing growth, and for whose residents Burgess Hill will be a magnet for its employment, shopping and recreational opportunities. Land should be safeguarded for that southwards extension.</p> <p>The significance of the need to link people living in Haywards Heath or Hassocks with Burgess Hill is increased with the designation of the new Burgess Hill employment and science park areas and the decision to provide 6<sup>th</sup> form education in Haywards Heath rather than the Northern Arc.</p> <p>It is really disappointing that there is no statement within SA37 as to the timeframe within which the Multifunctional Network should be up and running: to say simply that its construction would be “ideally within the lifetime of this plan” is not good enough.</p> <p>We expect your Council to consult on route options early and fully with local communities liable to be affected, including in Lewes District, and to apply the net environmental gain principle to its development. Given that the route will pass through open countryside that plays a vital role in maintaining the segregation between Haywards Heath and Burgess Hill, and that gap has already been eroded to a degree that many already consider excessive, we request that this safeguarding policy include a pledge not to allow the network to become a focus for allowing future development along its route. We believe that considerations of deliverability might favour development the more western elements of the network over the more easterly ones.</p> |
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| <b>SA38</b> | Air Quality | <p>Poor air quality is a key health and environmental issue. So it is an issue that requires a robust policy. Both DP29 and the current draft SA38 fail that test. We call for a policy that is</p> <ul style="list-style-type: none"> <li>- clear: so that developers and others know precisely what is required of them and of the Council, and the standards by which the effect of development proposals will be judged;</li> <li>- objective, so that the types of pollutants of concern, and the criteria and thresholds by which they will be measured and monitored are precise rather than (as currently drafted) vague and subjective;</li> <li>- fair: so we suggest that the policy be benchmarked against national air quality standard regulations, and not discretionary in its application;</li> <li>- flexible, to recognise the likelihood that national regulations may well tighten in future and that the suggested Council's benchmarking policy remains in step with changing national standards;</li> <li>- legally compliant, which the current draft is not (in our opinion) as regards the requirements and language of the Habitats Regulations in respect of Ashdown Forest.</li> </ul> <p>Changes to the current draft SA38 needed to make the policy suitably robust are suggested in our mark-up at Appendix 1.</p> <p>The sustainability appraisal of SA38 is unacceptable. Rather than comparing the merits of the current policy that you have already (and rightly) decided needs to be upgraded, you should, in our view be comparing practical alternative ways in which good air quality can be maintained throughout the District, in which that high quality can be effectively verified on an ongoing basis, and effective steps can be taken to ameliorate any problem locations. Delivery should be monitorable and measurable against clear minimum quality criteria which are identified within the policy, which neither SA38 or DP29 do.</p> |
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|  | <b>MISCELLANEOUS</b> | <ol style="list-style-type: none"> <li>1. To be accurate and comprehensive, the Development Plan description in paras 1.4 – 1.10 should refer to the supplementary planning documents (on viability etc) that have been adopted by the Council.</li> <li>2. Glossary definitions of “Section 278 Agreement” and “Sites of Nature Conservation Importance” have become subsumed into a single definition.</li> </ol> |
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### APPENDIX 1: CPRESx suggested changes to draft policy SA38 (Air Quality)

The Council is committed to ensuring that the Plan area's air quality at least meets the minimum legislative standards required from time to time (currently the Air Quality Standards Regulations 2010, as amended) and those set out in this policy SA38. The Council will measure and monitor for ambient air pollutants as required by those standards and by reference their thresholds and criteria.

Any development that is liable to result in any of those threshold limits being breached either during the construction process or at any time during the lifetime of the completed development, taking account of cumulative impacts from committed developments, and including from vehicle emissions, will be deemed to have an unacceptable impact on air quality. The Council will require applicants to demonstrate that there is no unacceptable impact on air quality. If that cannot be demonstrated to the Council's reasonable satisfaction, in order to be eligible for approval, the development must minimise any air quality impacts to an acceptable level through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.

Where sensitive development is proposed in areas of existing poor air quality and/ or where major development is proposed, including the development types set out in the Council's current guidance (Air Quality and Emissions Mitigation Guidance for Sussex (2019 or as updated)) an air quality assessment will be required. This assessment must be carried out as set out in 'Air quality and emissions mitigation guidance for Sussex authorities (2013) – Appendices, as updated or replaced from time to time.

[Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or potential Air Quality Management Areas (AQMAs), will need to demonstrate measures/ mitigation that are incorporated into the design to minimise any impacts associated with air quality] *[Delete this paragraph. It adds nothing to the above].*

Where required to ensure compliance with this policy SA38, mitigation measures will need to demonstrate how the proposal, including design and/or other mitigation would make a positive contribution towards the aims of the Council's Air Quality Action Plan and be consistent with this Policy SA38.

Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/ or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.

In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to result in any adverse air quality effects, including in combination impacts, from increased traffic will be required to demonstrate how those effects will be avoided to the Council's

satisfaction. Any planning consent granted will be subject to any appropriate planning conditions or limitations to give effect to those necessary avoidance measures.