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**17 December 2022**

**MID SUSSEX DISTRICT PLAN REVIEW DRAFT. REGULATION 18 CONSULTATION**

**CPRE SUSSEX RESPONSE**

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To promote, enhance and protect a thriving countryside for everyone’s benefit

President: Lord Egremont

Campaign to Protect Rural England Sussex Branch CIO | Registered charity number: 1156568

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## 1. INTRODUCTION

We appreciate the opportunity to comment on your Council's aims set out in your draft District Plan Review document<sup>1</sup>, because the communities that make up Mid Sussex need and deserve an ambitious, consensually endorsed, District Plan that aids and directs the opportunities that will exist to enhance their lives and environment within the District during a time of growing pressures and necessary significant lifestyle changes.

It is of the essence of an effective strategic development plan that it should reflect the wishes, needs and aspirations of its residents. We are disappointed therefore that, during the 2 years on which your Council has been preparing this draft, there has never been any organised community engagement in the development of the strategy and policies on which your Council is now consulting for the first time; and that the barest minimum consultation period has been afforded to people to consider the approximately 3,000 pages of the Plan and its supporting evidence base. The responses you receive will be the poorer for that lack of previous community engagement and lack of time opportunity to respond adequately to this consultation. We can only hope that your Council will consider constructively the ideas and suggestions we offer with the aim of strengthening this draft Plan Review.

That said, we welcome the considerable improvement to the 2018 District Plan that many of the Plan Review proposals offer through major and minor policy changes and additions. The recognition of the need for the Plan to address climate change mitigation and biodiversity enhancement, for example, are to be applauded. The fact that it is the nature of the consultation process that the submissions we make here focus on those areas of objectives and policy where we consider that the Plan needs more work or a different approach should not take away from these overall positive aspects.

As a charity focussed on the countryside we are particularly concerned to promote the role that the countryside can play in delivering net zero, sustainable economic growth and health/welfare benefits if appropriate policies to support the countryside and its natural assets are in place. This is the principal focus of our representations. As part of that focus we have necessarily considered the Plan's expected level of new housing and the extent to which the most significant proposed allocations would, in our view, be sustainably located. We think it right at this stage, therefore, to focus the main part of our review and response on these key elements of what make a sustainable strategic plan for Mid Sussex in the years ahead.

Our submission is made on the basis of the draft Plan Review as presented for consultation. However, we are calling for the draft to be withdrawn for further consideration in the light of significant forthcoming changes in the requirements in respect of housing components of strategic plans announced in a Ministerial Statement dated 6<sup>th</sup> December 2022. In our view these potential relaxations provide your Council with a real opportunity to change your Plan proposals for the better, and will enable you to deliver a genuinely sustainable Plan that could carry the support of the communities you serve in a way that current proposals do not.

We would be happy to meet you to discuss this submission if you would find that helpful.

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<sup>1</sup> <https://www.midsussex.gov.uk/media/8769/district-plan-reg-18-consultation-version-for-web.pdf>

## 2. THE LEVEL AND SUSTAINABILITY OF HOUSING AND COMMERCIAL DEVELOPMENT

### 2.1 The level of housing provision

**We argue that the draft Plan Review sets an excessive housing target, with unnecessary and inappropriate significant rural site allocations, and that the Plan should be withdrawn for reconsideration in the light of the Government's recently announced decision to allow planning authorities greater authority to determine their own housing needs.**

Local planning authorities should have the authority and responsibility to determine for themselves what their local housing needs and development capacity are on a basis acceptable to their own constituents. A top-down arbitrary standard method for determining and imposing house need is undemocratic and does not deliver what local communities need.

So we share the view of your Council Leader as expressed in his 22<sup>nd</sup> February 2022 letter to the Secretary of State for Levelling Up, Housing & Communities that the standard method which your Council is required to use in calculating the District's housing need significantly exaggerates the housing shortfall through Sussex and significantly over-estimates Mid Sussex's own new housing requirement - in CPRESx's own estimate by over 10,000 dwellings between 2022 and 2039. We also agree with Mr Ash-Edwards' statement in that letter that there are insufficient sustainable sites within the District to deliver the arbitrarily exaggerated level of housing expected by virtue of that illogical and biased standard method.

We are therefore disappointed that your Council has proceeded to put forward in its Plan Review a new housing target and unsustainable significant site allocations that fail to reflect your own Council's view that *"Mid Sussex can not achieve a reviewed plan with community support"*. We consider that to be a pragmatic view of the situation which in itself requires a different approach to the Plan Review.

Not only that, but the proposals offered now for consultation do not fulfil the core requirement at the very heart of strategic planning principles, namely that *"the purpose of the planning system is to contribute to the achievement of sustainable development"* (NPPF para 7). The environmental and infrastructure constraints affecting Mid Sussex on which Mr Ash-Edwards relies in his 22<sup>nd</sup> February 2022 letter to Mr Gove and which are enumerated in detail in LUC's 2014 Landscape Capacity Study create real, substantial and irrefutable limitations on how much development can be sustainably planned for and where that development can be located. LUC concludes that 63.6% of the District is subject to primary constraints, 2/3rds is subject to primary constraints or at least 3 secondary constraints, over 3/4ths by primary constraints or at least 2 secondary constraints; and that only 2.3% is free of constraints and has at least 3 services within walking distance.

The current District Plan and Sites Allocation DPD collectively aim to deliver the full level of housing required until April 2031 on sites identified in those documents. It is primarily the deliverability and location of all the new housing thereafter that is in question. The fact is that the environmental and other constraints to which the District is subject are such that the District cannot support the additional, and exaggerated, level of new housing proposed on demonstrably sustainable sites and in a sustainable manner. Given that fact, it is surely your responsibility to produce a Plan that will deliver the level of development that the District can sustain, but no more.

After all, that is what other planning authorities such as Crawley and Brighton have done. We appreciate that they are urban districts. But the fact that Mid Sussex is a rural district does not give licence to

concrete over its green spaces to deliver arbitrary housing growth targets in unsustainable locations. The countryside, especially (but not only) the designated countryside, is not there for the purpose of being urbanised to suit arbitrary housing growth targets, or retained as countryside only until it is wanted for development. The countryside, and the natural environment within it, is a natural capital asset of great economic and social value in its own right, as we argue elsewhere in this response. It is not an asset that can be renewed or replaced; and that is a fact that increases its value and critical importance within the planning system to sustaining our and future generations' needs and wellbeing. That essential role is not adequately recognised in the Plan Review.

Planning positively for sustainable development, as the NPPF requires, demands that proper value be ascribed to countryside conservation, and that rural land of conservation value should not be allocated for housing where the development would not be sustainable. And that is the case with the significant sites proposed for allocation in the Plan Review.

We do not accept that the District has either the need or the countryside capacity to accept the increased level of new housing proposed in the Plan Review. We also consider that your proposals to locate so much of the additional housing in what you claim will be self-sustaining 20 minute communities in rural strategic sites – which will not be urban extensions as you claim – to be unsupportable when their sustainability is properly considered. In our view your Council should not have abandoned its past policy of focussing new housing on the District's three main towns – a pragmatic policy that CPRESx has broadly supported (albeit with reservations in respect of the impact of development around East Grinstead on Ashdown Forest).

The Government's 6<sup>th</sup> December Ministerial Statement that will be amending the Levelling Up and Regeneration Bill and the National Planning Policy Framework to afford local planning authorities (especially rural authorities like Mid Sussex greater flexibility to determine their housing needs and growth capacity provides your Council with a wonderful opportunity to reconsider what its housing target and new housing locational/allocation strategy should be, having regard to your own Council's expressed concern that it is constrained from delivering a community-acceptable plan update that meets the rules now proposed for relaxation. We are writing to your Council Leader asking him to withdraw those elements of the draft Plan Review dealing with those aspects of the Review for detailed review in the light of the Ministerial Statement and whatever detailed changes to the planning laws and guidance follow from it.

In our view there is a very forceful case to be made that the housing needs of the District are significantly exaggerated by the use of the out of date housing statistics requirements of the standard method and the forced affordability adjustment; and that, for reasons set out in this submission, there is no sustainable, publicly acceptable way to deliver the arbitrary level of housing demanded by that methodology.

## **2.2 Protection and enhancement of the countryside**

**We seek recognition of the vital multi-functional economic and social roles of the countryside in the text of strategic objective 3 and strategic policy DPC1.**

The Plan rightly defines Mid Sussex as a rural district. Its countryside has a hugely important economic and social role to play the life of the District, and it is absolutely correct that the Plan should contain strategic a objective and a strategic policy focussed on its safeguarding and enhancement. However strategic objective 3 and policy DPC1 only addresses the value of protecting and enhancing the countryside for its intrinsic character and beauty. It makes no mention at all of the other crucial roles that

the countryside plays, which are intrinsic to its character, and which add considerable extra weight to the importance of its protection. Those additional roles include:

- as a driver of tourism to the District, with the jobs and revenues that generates;
- for its agricultural value, which also ensures employment opportunities and assists in delivering food security;
- its important social and economic contribution to supporting peoples' physical and mental health and wellbeing,
- its crucial importance in mitigating climate change e.g. in absorbing greenhouse gases, and
- as a home for nature and biodiversity which is essential to the effective delivery of the Government's 25 year Environment Plan and Environment Act, and other initiatives (such as ELMS).

For all these reasons the countryside - all of it, not just the pretty bits - is a vital natural capital asset of the highest economic as well as social value. All affect the intrinsic character of the countryside and require recognition as such as per NPPF para 17(b).. The existence of countryside should not be viewed, as the Plan does<sup>2</sup> primarily as a constraint on the ability to develop; rather it should be treated and treasured for the valuable, scarce, irreplaceable, asset that it is in its own right.

To that end, plan objective 3 and strategic policy DPC1 need amendment in order to make clear that the impact of any proposal for development in the countryside on all these valuable qualities, and not only on landscape character, will be given proper consideration and weight in deciding whether or not it should be turned over and lost to housing or commercial development. Strategic policy DPC1 should require that expert evidence as to the degree of significance of all such impacts (including cumulative impacts) must be provided so that the value of our countryside is at the heart of all planning decisions. We comment further on this in section 4.1 in the context of policy DPN1.

### **2.3 Housing in the countryside policy**

**In this subsection,**

- **we point out that the Plan contains conflicting policies covering the same ground as to when development will be permitted within the countryside (neither of them addressing the key point we flag in para 2.2 above,**
- **we call for better policy protection for the High Weald AONB from major and high density development.**

Strategic housing policy DPH2 (Sustainable development outside the built-up area) and non-strategic policy DPC3 (New homes in the countryside) appear to cover identical ground, but contain very different policy requirements for permitting development beyond built-up area boundaries. Neither policy seeks to reconcile itself with the strategic policy DPC1 aimed at protection and enhancement of the countryside (which itself needs beefing up). Their requirements need to be amalgamated into a single policy in order to avoid chaos. That combined policy needs to be treated as a strategic policy that supports policy DPC1 and that retains sustainability criteria at its core.

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<sup>2</sup> See for example, the discussion in Plan Review section 6 on "Areas with potential for further growth", and our response to Policy DPN1 in section 4.1.2 below.

Please would make it explicitly clear that the policies allocating the greenfield strategic sites (DPSC1-3) are subject to all the strategic housing policies in the housing section, i.e. DPH1-4) and DPH29-36. As drafted, DPH4 is the only general housing policy that states that strategic housing sites are covered by it.

We also propose that policy DPC4 should state explicitly that major development will not be supported within the High Weald AONB other than in the exceptional circumstances set out in the NPPF and where it can be shown that the public interest in allowing that development exceeds the public interest in protecting the purposes for which the High Weald has been designated as an AONB. It needs to be made clear that housing density expectations should be tailored to the nature of the countryside in which the site sits, especially in relation to sites within or adjacent to the High Weald AONB.

## **2.4 Brownfield First**

**In this section we urge the Council to allocate the Burgess Hill Martletts Centre and other available brownfield sites in priority to some of the proposed greenfield allocations.**

We consider that strategic policy DPH3 needs expressly to identify as a planning priority the development of sustainable brownfield sites within urban areas of the district, which is no more than turning into policy what is said in relation to “maximising opportunities for using brownfield sites” on Plan page 34 in the context of the Council’s justification for its Making Effective Use of Land Strategic Objectives.

We applaud the inclusion of a policy to ensure the redevelopment of Haywards Heath’s Orchard Centre, a project that will need to be conceived with flair and imagination to maximise its potential.

Given your claimed brownfield first policy and the conclusion of the Urban Capacity Study that there is the potential for approximately 466 new homes on brownfield sites, and potentially 100+ more annually as windfalls (See UCS para 6.8), we are surprised that so little other brownfield land is allocated. The Plan’s unsustainable preference for allocating greenfield over brownfield sites is not justified by your own Plan objectives or in terms of the NPPF.

More particularly we are flabbergasted that the Plan Update still contains no policy for the redevelopment at any point before 2039 of the Martlets Centre in Burgess Hill Town Centre. This is the largest single, highly sustainable, brownfield site within the District, and currently an underused eyesore, that could include a large housing component in a mixed use development that would revitalise Burgess Hill Town Centre. It is extraordinary that the Plan Update is silent on the need for incentivising redevelopment of this site as a priority project, whatever the challenge.

All the more so, given the work that the Council has done to improve the centre of East Grinstead and in bringing forward Hayward Heath’s Orchard Centre for redevelopment.

## **2.5 “20 minute communities” and the Proposed Strategic Site Allocations**

**We explain why we consider the proposed significant site allocations - all of them greenfield sites in open countryside – are all unsustainable in development planning terms, and that they fail to recognise the vital role that the countryside environment plays positive planning terms.**

Our principal contention, explained in section 2.1, is that an appropriate new housing target that will meet local needs whilst respecting the District’s rural character and extensive environmental constraints would obviate the need for the three rural strategic sites proposed in policies DPSC1-3. However, for

present response purposes we have considered these sites, and their claimed sustainability, and respond here to these draft Plan Review policies.

We do not accept that your 20 minute community proposals, and the greenfield strategic site allocations that form part of those proposals, are environmentally sustainable. In our view, if and to the extent that larger scale new development sites are required, your Council should continue with its existing pragmatic policy, which we have broadly supported, of seeking brownfield sites within, and other sites around Haywards Heath and Burgess Hill (and East Grinstead if compatible with Ashdown Forest conservation which we doubt).

We consider the Lepus report support for greenfield strategic site development to be deeply flawed. It does not present a rational justification for your Council to change its existing strategic new housing development policy. Indeed their support for greenfield development is at odds with their own finding that expansion around the main towns *“would be more likely to locate new residents in proximity to existing services and community facilities”*, which is one of the key indicators of sustainability. There is also a dearth of other essential evidence that would be needed to demonstrate the proposed strategic sites’ sustainability in ecological, transport and other terms.

The requirement for sustainability of new development is a sine qua non of national planning policy (see NPPF para 7). 20 minute integrated communities, however you reasonably define them (which the draft Plan Review does not do) in a rural setting cannot be made sustainable for all sorts of reasons.

It is of the essence of a 20 minute inclusive community designed (as you intend) for people of all ages that it should provide a sufficient range of facilities within that community to be largely self-sustaining and that, where residents need to access facilities beyond the community they should be able to do so by public transport or by bicycle or other similar sustainable mode of transport. Sustainability is not achieved unless the number of journeys by car are demonstrably reduced significantly.

Given that the community will be intended for people of all ages and physical abilities, accessibility of facilities within 20 minutes needs to be measured by reference to the time it would take for a resident to walk from the centre of the new village to an on-site facility. Only facilities within a radius of one mile from the centre would be accessible on foot and could count as local. As the proposed significant sites are all rural, it is unlikely that any on-site facilities provided would be widely used by people living beyond the site boundary, limiting demand largely to residents of the community itself.

So far as we have been able to discover, there are few already developed 20 minute communities in the UK, and a few more in the USA (Portland, Oregon) and Australia (Melbourne) from which to draw experience. All are urban, not rural, developments, at a typical density of 65 dwellings per hectare. Housing density of that order is necessary to generate a sufficient resident population to be able to offer a sufficiency of on-site facilities and to ensure their lasting viability. This conclusion is supported by a report from the Royal Town Planning Institute which concluded that *“It is estimated that to support a 20 minute neighbourhood an average density of 65 dwellings per hectare is required”*<sup>3</sup>.

We calculate that an urban 20 minute community across an area of 800ha at a density of 65 homes per hectare could provide homes and a large range of local facilities for upwards of 75,000 people.

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<sup>3</sup> [RTPI | Implementing 20 Minute Neighbourhoods in Planning Policy and Practice](#)

By contrast, your Plan Review envisages 20 minute communities in rural locations remote from train stations and other regular public transport services of between 1,400 and 1,850 homes, necessarily built at far lower densities (21 -22 dwellings per gross site hectare). These proposals go against your Council's own Good Design Guide, which promotes urban extensions for sustainable new development rather than rural greenfield locations, and so doesn't address appropriate density levels for rural developments (though at pp 47 and 54 it highlights as successful schemes two recent developments on the urban fringe of East Grinstead with densities of 20 and 25 homes per hectare).

Your Plan Review predicates a population of approx 4,250 people by 2039 on the largest of the 3 strategic sites (Reeds Lane), and 3,250 on the smallest (West of Burgess Hill). The evidence, including that of other villages in Mid Sussex, demonstrates unequivocally that they are unable to support a range of in-village facilities that renders them self-sufficient. For example, nearby Cuckfield, an already established community with a population of 3,800, cannot support more than a small local general store (with no post office), a chemist and a pub (and a few specialty shops). There is no more than an hourly, daytime only, bus service into Haywards Heath. Cuckfield's residents remain car dependent for most of their needs.

Against this background the sites it is not demonstrated by independent evidence accompanying your draft Plan Review that the sustainability objectives claimed for the 3 strategic sites in policies DPSC1-3 can be met, or that there is sufficient justification to abandon the Council's existing policy of concentrating any required large scale new development as extensions to existing towns that provide a large range of facilities on which new residents can draw:

- It is grossly misleading to describe the sites in chapter 14 as urban extensions. An urban extension is an extension to an already urban area. They are all rural greenfield sites located in the countryside. You cannot properly describe adding 2,000 extra homes outside the village of Sayers Common as an urban extension. Ditto for Crabbet Park which sits partly within the High Weald AONB and on the opposite side of a motorway from the outskirts of Three Bridges;
- The proposed sites fly slap in the face of the draft Plan Review's own countryside and High Weald AONB protection policies DPC1 – DPC4;
- The great economic and social value that the countryside that would be lost to such development along with the life it supports has been ignored in the assessment of the pros and cons of such schemes (see also section 2.2 above);
- There is little or no precedent in England for rural greenfield 20 minute community development schemes;
- The necessarily low density level of development required in such a scheme precludes the provision of sufficient self-sustaining on-site services and facilities materially to reduce car dependency, and hence to justify the sustainability of the super-sites allocated in DPSC1-3. That problem will be all the worse for the protracted period over which the sites will presumably be developed. The limited policy requirements within DPSC1-3 for on-site facilities provision support that conclusion;
- Both Sayers Common and Crabbet Park are remote from main line railway stations and from urban facilities and services. Even the west of Burgess Hill site is assessed as a 40 minute walk from Burgess Hill station, and many of the existing Burgess Hill facilities on which residents are likely to rely are more than a 20 minute walk away from the centre of the proposed site;
- It is unclear how in practice these rural sites will be effectively linked for safe, sustainable transport modes to the towns on which the sites' residents will depend;



- There is no promise offered that any or all of the sites will benefit from a regular 7 day a week, day and evening bus service; and local residence levels suggest that such services could not be financially viable in the absence of unlikely long term subsidy;
- Local employment opportunities at the Sayers Common and Crabbet Park sites will be very limited;
- The DPSC1-3 proposals require much of the s106 developer contributions to be used for facilities away from the communities that they desire to create, and not applied for the direct benefit of those communities - which is itself evidence that they cannot be made self-sufficient;
- These site allocations cannot properly be determined to be sustainable unless robust evidence is presented in the form of independent assessments of (i) car traffic flows deriving from the presence of the homes and facilities in the proposed strategic sites, or on the impact of that additional traffic on surrounding roads or nearby towns and villages; (ii) their impact on landscape or on ecology and biodiversity; or (iii) the ability of service providers (e.g. surgeries; secondary schools and further education colleges) on which new residents will depend to cope with the increased demand<sup>4</sup>. That evidence needs to take cumulative account of other nearby proposed development – that is particularly the case at Sayers Common given that other proximate allocations would add a further 573 homes. No such evidence on these is offered;
- The opportunity is not taken to require a greater level of social or affordable housing on any of the sites than the Council’s standard 30%, (or to demonstrate that these sites could not be viably developed at a greater level of affordable home provision);
- There is no proposed policy requirement, as there should be, that the housing be built to a zero carbon standard;
- There is no statement that reduced car parking facilities will be required in line with your Good Design Guide;
- It is unclear whether the Crabbet Park development is intended to provide homes for Mid Sussex residents or to support the needs of Crawley. We note, though, that the last leader of Crawley Borough Council is not supportive of this development, which he has said “*creates housing that local people can’t afford, with an absence of council properties, and infrastructure so poor that the residents are dependent upon Crawley’s services without paying council tax for their upkeep*”<sup>5</sup>.

For all these reasons these proposed rural 20 minute “communities” just cannot be made sustainable. Your Plan Review evidence base provides no analyses independent of the site promoters to indicate otherwise. You do not even identify the level of reduction in car journeys that the Council seeks to achieve in delivering these supposedly “highly sustainable” sites, nor any evidence as to its achievability.

The policy DPSC1-3 proposals are incompatible with the Plan Review’s vision to create “*a thriving, attractive and resilient District, which is a highly sustainable and desirable place to live, work and visit. Our aim is to maintain, and where possible, improve the social, economic and environmental wellbeing of our District and the quality of life for all, now and in the future*”. The challenge of locating closer-to-town sites may be more difficult, as the Lepus report suggests may be the case cannot justify ignoring this admirable vision. Your Council’s failure to limit the scale of new development to what is really needed within the District or to propose the redevelopment of Burgess Hill Town Centre at any point

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<sup>4</sup> See e.g. the recent Planning Appeal decision Ref: APP/H1840/W/22/3301732 (Wychavon DC).

<sup>5</sup> [Here’s where 1,000 new homes could be built near Crawley’s border | SussexWorld \(sussexexpress.co.uk\)](https://www.sussexexpress.co.uk/news/1000-new-homes-crawley-border/)

within the new Plan's 17 year life demonstrates the need for a broader vision and greater ingenuity in the exercise of your strategic planning.

If the Plan Review were nonetheless to be adopted with any or all of policies DPSC1- 3 substantially intact, we would urge your Council to commit within the Plan that planning permission would not be granted for their development so long as your Council continues to be able to demonstrate a 5 year housing land supply. As matters stand, your existing District Plan and Sites Allocation DPD expect to enable your Council to meet all its needs anticipated up to 2031. That being so, it would be invidious to seek to build to meet a need that, all things being equal, should not arise before 2031/2. It would also extend the period during which the homes of existing local residents risk being unnecessarily blighted.

## **2.6 Other Allocated Sites**

**We seek additional evidence before these allocations are confirmed at regulation 19 stage and strengthening of the policy requirements for sites in and near the High Weald and for site DPH7.**

The brevity of the consultation period has meant that we have not had time to consider in detail the individual allocations proposed in policy section DPH, and reserve the right to do so at Regulation 19 consultation stage.

We note though that there has been no ecological assessment of the impact of development on any of the proposed sites. In our view it would be wrong to hold out these sites as developable in the absence of such assessment, and call for this to be done before confirming the allocations at Regulation 19 stage.

In the case of the various allocations within and adjacent to the High Weald AONB we expect what are described as "Policy requirements" to be treated as preconditions to the grant of any future planning application so that development is not approved (i) if it constitutes major development and (ii) unless it complies with policy requirements for the conservation and enhancement of the High Weald or (as the case may be) it's setting.

Importantly, the same applies to the policy requirement in DPH7 for the provision of at least an equal amount of alternative local allotment space: allotment facilities have real social and health & welfare value, especially in an urban area, as the unmet local demand for them demonstrates. It would be incompatible with the social and environmental objectives of your Plan and policy DPS6 to allow these precious allotments to be sacrificed to an otherwise desirable development without at least full, conveniently located, replacement.

## **2.7 Affordable Housing (Policy DPH32)**

**CPRE Sussex would like to see the following key changes to the policy on affordable housing:**

- **to target a higher percentage of affordable housing of up to 50%, to be considered through viability testing, in order to maximise the potential delivery of affordable homes. There is a particular need in rural areas, including the High Weald;**
- **to make provision for affordable homes on smaller sites (6-9 dwellings) within the High Weald AONB to be provided on site (in place of commuted payments).**

### **2.7.1 *Higher target percentage of affordable housing***

The protection of the countryside, CPRE's overriding purpose, depends on communities living there thriving, with their own local services and facilities. There is a particularly acute shortage of affordable housing in rural parts of the district where affordable housing provision for local people is of major social importance. In order for rural settlements to thrive, it is vital that key workers who are required to support local schools, care homes, shops, etc can afford to live within the communities that they serve, especially as good public transport links rarely exist.

Where it is necessary to sacrifice large areas of the countryside for the provision of housing, as is proposed in this Plan Review, it is absolutely vital that the size and type of homes that are built reflect the local needs of the communities and the potential for affordable housing is maximised.

The critical need for more affordable homes in Mid Sussex is very apparent from the Strategic Market Housing Assessment (SMHA) report produced by Icenci Projects Ltd in October 2021. We believe that the evidence in this report justifies a higher target for affordable housing than is currently proposed in this policy.

Mid Sussex currently has a significantly lower proportion of public to private housing stock relative to England and the South East region, as can be seen from table 3.1 of the report.

Whilst, as expected, there has been a generally high increase in average rents across Mid Sussex in recent years, what is even more striking is that this increase is disproportionately higher for smaller properties. For instance, the percentage increase in rents for studio flats was over 6 times higher than that for 4+ bedroom dwellings (as can be seen in table 5.5).

We note from para 4.53 of the report that the Median House Price Earnings Ratio for Mid Sussex in 2020 was 12.62 which is significantly above the average figures for England and South East region. We further note from the report that the deterioration in affordability in Mid Sussex over recent years (and in particular the last 5 years) has been greater than that experienced on average in England and the South East region.

The Median House Price Earnings Ratio quoted above is based on "workplace earnings" and it is notable (from table 4.6) that this figure is significantly higher than that for resident-based earnings which highlights one of our key concerns, that many of the people who work in the district are currently finding housing in the district unaffordable.

Para 5.47 of the report indicates that the average percentage of affordable housing delivered in the district from 2014 to March 2020 was just 19%.

Para 12.35 of the report notes that *"entry level affordability is clearly at a level which points to significant barriers for younger households seeking to buy a home."*

and para 12.37 indicates that: *"The affordability of housing to buy, and the ability of younger households to access it has deteriorated in recent years; and is now out-of-reach of many younger households."*

The Affordable Housing Need for the district has been assessed in para 12.7 of the report as follows:

*"The assessment shows an annual need for 470 rented affordable homes in Mid Sussex District and the Council is therefore justified in seeking to secure additional affordable housing. The report has also*

*assessed the potential scale of need for affordable home ownership housing, identifying a need for 455 homes per annum”*

and the summary under para 7.124 states the following:

*“Overall, the analysis identifies a notable need for affordable housing, and it is clear that provision of new affordable housing is an important and pressing issue in the area. The need identified in this report provides a starting point for setting policy which should be tested against the amount of affordable housing that can viably be provided. The evidence does however suggest that affordable housing delivery should be maximised where opportunities arise”*

It would appear from the conclusions drawn from this report that the need for affordable housing is greater than that currently being delivered in the district and probably greater than that which is likely to be delivered with the Council’s proposed policy of just 30% affordable homes on the larger sites.

CPRE Sussex therefore encourages the Council to set a higher target for affordable homes. We see a particular need for a greater proportion of affordable/social homes on brownfield sites (such as the Orchards Centre (DPH12) and in rural areas where the need for more social and affordable housing is arguably the greatest (see para 2.7.2 below). Not only is there a demonstrable shortage of such housing there; but additionally the viability and vitality of rural communities depends on housing affordable to lower wage earners, including those in caring professions and other public and private services, dedicated to serving those communities.

We note that the Regulation 18 consultation version of Horsham District Council’s local plan includes the following policy: *“The Council will set thresholds at which different proportions of affordable housing could be sought, based on the outcomes of viability work, to ensure that affordable housing delivery is maximised whilst also ensuring that overall housing delivery is not compromised. An increase in the target for on-site provision of affordable housing above 35%, up to a maximum of 50%, will be tested.”* We would like MSDC to consider similar more ambitious targets within their plan given the patent need.

### **2.7.2 On-site provision of affordable housing on small sites within the High Weald AONB**

CPRE Sussex welcomes MSDC’s approach to protecting the High Weald AONB and allocating sites for housing in more sustainable settlements outside of this nationally protected landscape. However, we are concerned that the locally assessed need for affordable housing in some of the smaller settlements is not going to be met by this plan.

There has been a demonstrable lack of affordable homes built in some of these settlements for many years and the current adopted district plan has done little to alleviate this acute shortage. Which is why, in para 2.7.1 we call for a greater than 30% affordable home proportion on AONB development sites.

Given the prudent constraints against developing within the AONB, the few sites that do come forward are likely to be smaller in nature and in most cases less than 10 dwellings, which is below the threshold for on-site affordable housing.

The existing district plan policy relating to small sites of 6-9 dwellings within the AONB, requiring commuted payments towards the cost of providing affordable housing outside the AONB, is having a detrimental impact on these communities because it pushes up the cost of dwellings within the AONB

and does nothing to increase the number of affordable homes in the settlements within the AONB, where they are desperately needed.

The new market houses that are being approved in these smaller rural settlements are, on the whole, proportionally larger than those being built in the larger settlements and this is aggravating the affordability issue. Added to this is the fact that the existing housing stock in these desirable rural locations is becoming even less affordable as properties are improved and extended with little or no replacement stock in the lower quartile of the market.

Unfortunately, the proposed new policy DPH32(iii) for affordable housing perpetuates this failing by continuing to support a commuted payment system for sites within the AONB of between 6-9 dwellings.

Para 2.8 of the SMHA report points out that the NPPF expects affordable housing to be provided on site and that financial contributions in lieu would need to be robustly justified, or the agreed approach contributes to the objectives of creating mixed and balanced communities.

It would appear to us that this section of the proposed policy, as currently worded, would actually be counter-productive to that objective.

CPRE Sussex strongly urges the Council to consider amending policy DPH32(iii) and by requiring that all sites within the AONB exceeding 6 dwellings provide the appropriate proportion of on-site affordable housing. We would like this appropriate percentage to be tested to ensure the maximum number of affordable homes as delivered as set out in 2.7.1 above.

Where, in “exceptional circumstances”, financial contributions are provided by a developer in place of affordable housing under the third bullet point: “*where the council wishes to use the funding to develop its own housing*”, we would like to see the proviso that this is used for affordable housing within the same settlement. We therefore suggest the following amended wording to the policy:

- “*where the council wishes to use the funding to develop its own **affordable** housing **within the same settlement***”

We would also like the text in the following paragraph to be amended as indicated below:

*“In such cases a financial contribution payable prior to works commencing and reflecting the full cost of providing alternative serviced land for the required number of units (rounded up if the resultant number is not a whole number), will be ~~sought~~**required**.”*

### **2.7.3 Rural Exception Sites**

CPRE Sussex supports the proposed wording of the Rural Exception policy, DPH34, although we note that the existing policy does not appear to be working well in the district, with only 3 schemes and a total of 50 homes brought forward in the last decade (as referenced in para 11.72 of the SMHA report).

Whilst we are not able to offer any constructive amendments to the proposed wording of this policy that are likely to make this policy more effective, we would like to commend the Council for its intention to continue to work with Action in Rural Sussex to support local community-led housing projects in the district.

The fact that Rural Exception sites are not delivering significant numbers of affordable housing in the district makes it all the more important to maximise the potential for providing as much affordable housing as is viable through the Affordable Housing policy.

## **2.8 Public health and wellbeing**

**We ask for minor amendments to policies DPS6, DPT2 and DPT3 to give clearer effect to the need to ensure equal access for all to the public realm to support their public health and wellbeing needs in line with the Plan's strategic objectives 12 and 15. We have addressed the significance of the value of ready access to the countryside in our response re policy DPC1.**

**2.8.1 Explanation:** Multiple studies demonstrate the vital role that the natural environment and access to the countryside play in promoting mental and physical health, exercise and wellbeing for all. Our countryside is a natural capital asset of very substantial therapeutic value that directly and indirectly saves our health and social welfare services many, many millions of pounds. That social and economic value is not influenced by whether the countryside involved and the natural life within it is, or is not, part of the High Weald AONB or any other designated area.

We are anxious that the importance and real value of our countryside in this respect be more potently recorded within the Plan and its policies as a material factor to be taken into account in the consideration of site allocations and individual planning applications that would erode the rural environment that our District Plan boasts as being at the heart of the District's heritage. To that end we have requested above an amendment to strategic policy DPC1, and here we ask for the following additions that would support the Plan's strategic objective 14 to create environments that are accessible to all members of the community:

**2.8.2 Health and Wellbeing (DPS6):** Add a new subparagraph below para (x) on the lines of: *"Take opportunities to improve the factors that can contribute to good health and social wellbeing, including by encouraging open accessibility to the countryside and on an equal access basis"*.

**2.8.3 Rights of Way etc (DPT2):** Add a fourth bullet at the end on the lines of *"Wherever possible, new rights of way and routes should provide equal access opportunities for those with disabilities."*

**2.8.4 Active Travel (DPT3).** Add a requirement within the policy itself for the provision of facilities and infrastructure that facilitate accessibility to open spaces and the countryside for the disabled.

### **3. CLIMATE CHANGE MITIGATION AND ADAPTATION**

#### **3.1 Context**

The exponential rise in global temperatures and the increasingly and dangerously volatile weather patterns will increasingly become THE dominating cause that dictates the rate of economic growth, of political instability, of food, water and energy availability and costs, of immigration pressures and biodiversity collapse. It is not possible to deal with these effects without starting with their common major cause: climate change.

We cannot have an economically and environmentally thriving District for the long term without using all the levers of the Council's powers to influence the behaviour of all those seeking to use or repurpose land within the district. Our children and grandchildren will rightly blame us if we fail to do this, and to ensure that the policies of the reviewed District Plan work ambitiously to that end.

We acknowledge that central Government direction to LPAs at a detailed level as to how to ensure that LPAs use their powers to play their part in reducing global warming is at best patchy. However the context of the responsibility of LPAs to put in place local strategic plans that put climate change mitigation and environmental enhancement at their heart is perfectly clear given

- the duty on LPAs under the Climate Change Act 2008 *"to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change"*, supplemented by paragraph 153 of the NPPF which requires plans to *'take a proactive approach to mitigating and adapting to climate change'* in line with the objectives and provisions of the 2008 Act;
- the enactment of legally binding national 5 year carbon budget targets designed to achieve net zero emissions by 2050 so as to enable the UK to play its part in limiting the average global temperature rise to 1.5<sup>0</sup>C compared to 1990;
- HM Treasury's report 'The Economics of Biodiversity: The Dasgupta Review' (2021) provides authoritative evidence of the threat of climate change to the value of 'eco-system' services<sup>6</sup>.
- the conclusion of the Committee on Climate Change (the CCC) that that the place-shaping powers and actions of LPAs potentially influence around a third of UK carbon emissions; and that their role in delivering Net Zero through place shaping is crucial through a range of existing levers – especially their powers to shape spatial planning, land use, resilient building, emissions reduction, energy efficiency and ecological support. The CCC makes clear that national policy and legally binding emissions reduction targets can only be achieved with LPAs' active participation<sup>7</sup>;

So that dearth of central Government guidance and direction does not excuse LPAs from making climate change mitigation the central pivotal sustainability principle that determines detailed policies in all aspects of local Plana. There is an imperative need for them to show leadership in doing so. The urgency of action is made clear from the fact that the CCC has warned that the UK is currently well behind schedule in achieving any of its forthcoming carbon budget targets.

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<sup>6</sup> <https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review>

<sup>7</sup> <https://www.theccc.org.uk/publication/local-authorities-and-the-sixth-carbon-budget/>

We should expect local plans to set sustainability delivery targets that align with national Government commitment to reduce CO<sup>2</sup> etc emissions via the CCC's 5 yearly carbon budgets.

In our view a Plan cannot be sound unless it addresses all the key aspects of climate change mitigation that an LPA is able to influence through a local plan in a comprehensive manner, and with measurable delivery targets that will demonstrate whether individual plan policies are proving effective to deliver their intended purpose and to ensure that LPAs are properly accountable. Absent such arrangements a Plan is neither consistent with national policy nor a justified appropriate strategy.

## **3.2 Climate change policies and monitoring**

### **3.2.1 *Overview***

Whilst we are pleased that an overall Climate Change policy (DPS1) is proposed in the District Plan for the first time, we consider it essential for Plan policies that address issues which impact directly or indirectly on ambient temperature or air pollutants to contain realistically tough targets (potentially progressively tighter targets) against which the effectiveness of the policy to deliver its climate change objectives can be measured and monitored (and, if necessary, updated). As it stands there are no such targets or effective monitoring mechanisms. In our view these are vital to make any climate change policy fit for purpose in sustainability terms.

The importance of the leadership role that your Council and other planning authorities need to play in changing and shaping public attitudes to climate change and environmental conservation is highlighted by a recent survey conducted by the Office of National Statistics which found that only 3% of businesses monitor biodiversity related risks and that nearly 2/3rds of businesses were not concerned about the impact of climate change on their business<sup>8</sup>.

### **3.2.2 *Climate Change Policy DPS1***

#### **3.2.2(a) *Climate Action milestones***

The planning system gives your Council extensive powers to direct and influence others' behaviour that affects our climate. So we are delighted that the Council proposes a policy setting out an overarching approach to mitigating and adapting to climate change. However, it is very concerning that no milestones have been set out with corresponding targets in order to drive and monitor progress towards the Council's proposed target of reaching net zero by 2050. We urge the Council to set District-wide five-yearly emissions reduction milestones that lockstep with national policy.

Targets should therefore track nationally set interim carbon budgets set by the UK Climate Change Committee (CCC) for the level of reduction in greenhouse gas emissions compared to 1990 level: i.e. a 51% reduction by 2025; 57% by 2030 and 78% by 2035<sup>9</sup>.

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<sup>8</sup><https://www.ons.gov.uk/businessindustryandtrade/business/activitysizeandlocation/articles/natureandbiodiversityrisksmonitoredby3ofukbusinessesaheadofcop15/2022-12-06>

<sup>9</sup> <https://www.theccc.org.uk/publication/sixth-carbon-budget/#key-recommendations>



To support this ambition, a policy to establish a robust and transparent monitoring and reporting function within the early part of the plan period is essential to support engagement of everyone on this our most important challenge.

### **3.2.2(b) Adaptation and urgency**

Mid Sussex will suffer, alongside every other part of the planet, the effects of climate change including increasing extreme weather, floods, droughts, high winds, climate migration, and resource scarcity. Policy DPS1 fails to recognise the responsibility and importance of integrated action at a district level to tackle these risks. DPS1 needs to recognise the Council's central role in driving and co-ordinating mitigation and adaptation action District-wide. For example, DPS1 or its explanatory paragraphs should:

- ensure language is used throughout all relevant policies and activities of the council to portray the urgency of the climate emergency. For example:
- DPS4 opens with the statement "The district is generally an area of low flood risk." – this is inconsistent with the need to convey a sense of urgency and belies the rising levels of risk and impact.
- DPH4: General Principles for Housing Allocations includes some references to the need to address climate issues but again lacks a sense of priority.
- create training and education programmes for all staff and related key delivery partners to raise the level of understanding and skills on climate mitigation and adaptation
- require all Council decisions and policies to be viewed through a 'climate emergency' lens.

Other policies require a reflection of the level of urgency to address climate change. For example,

- DPS4 states that '*Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.*' This is a welcome statement, but it is not supported with a policy to set up a register of such land and how 'safeguarding' will be implemented.
- DPS6 – Health and Wellbeing policy needs language to highlight the risks of climate warming and the urgency for future developments to address this risk, such as higher levels of street shading.

### **3.2.2(c) Taking the lead on collaboration and partnership building**

Achieving our goals on climate action will require your Council to undertake an increasingly advanced leadership role to foster collaboration and partnership between multiple stakeholders. For example, we need more engagement with communities, especially business to accelerate decarbonisation and to promote economic growth around green industries. Leveraging and catalysing private sector action will be crucial to achieving progress. We look to your Council to assume this responsibility as one of its core functions. We would like to see this role recognised within section 5 of your Plan Review document.

### **3.2.2(d) Nature based solutions and economic value**

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Consistent with our case that the great and growing economic and social value of our countryside needs to be given far more policy weight in your Plan, we consider that DPS1 should include an additional distinct bullet which

- highlights its natural capital value in reducing and absorbing greenhouse gas emissions,
- sets a measurable objective of increasing that value, and
- requires an independent assessment of the natural capital implications (economic, social and environmental) of any material countryside development proposal.

### **3.2.3 Design and construction Policy DPS2**

**For reasons discussed below, we advocate that Policy DPS2 be augmented as follows**

- **include clear ratcheting up of standards in line with Sustainable Economy Strategy 2022-2025 which calls for the building of “net zero-ready homes”**
- **increase ‘Minimum Standard’ from 2025 to HQM Star 4**
- **mandate higher levels of water reuse in view of the rising number of stressed local water areas**
- **create a more ambitious and accountable approach to reducing embodied carbon for new build**
- **retrofit, the need to reflect that most of our climate emissions come from existing buildings and therefore this policy fails to take steps to proactively address this issue**

#### **3.2.3(a) Towards zero carbon development**

We are pleased to read that the Council is setting out clear expectations through the application of both the Home Quality Mark (HQM) and BREEAM building standard. This is a progressive approach that is to be applauded. It is also positive to see that HQM 4\* is a requirement for major sites.

To meet the ambition set out in the Sustainable Economy Strategy 2022-2025 which calls for the building of “net zero-ready homes” and to meet our national 2050 Net Zero target under the Climate Act, we believe that a clearer pathway to net zero is required. For example, HMQ 3.5 Star represents only 38% of the possible marks available and falls far short of what could be described as a ‘net zero-ready home’. It is also concerning that no mention is made in this policy of the requirement to optimise the orientation of new buildings to maximise solar gain and minimise heat loss.

There is ample evidence and existing practice to support mandating that new developments should be built to a ‘zero carbon’ standard or be ‘zero carbon ready’. For example West Oxfordshire District Council (a similar rural district to Mid Sussex) has produced a guide to achieving net zero homes which also includes a checklist of appropriate standards: <https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

It is not clear from the Home Quality Mark guide how the star rating progression maps progress towards achieving net zero homes. Clarity on this would be helpful. Another improvement would be mandating that where net zero is unviable, that developers design new homes to be upgradable to net zero at a future date (net zero ready).

Our recommendation is that a ratcheting up approach is taken in DPS2 for all new build developments to reflect market readiness to deliver net zero homes:

- 2025 – 2030: ‘Minimum Standard’ to HQM Star 4
- 2031-2039: Net zero homes

### **3.2.3(b) Water resources and water efficiency**

As recognised in the Sustainable Economy Strategy 2022-2025, Mid Sussex is experiencing frequent intense periods of drought, causing high levels of water stress. We know that water availability will become increasingly stressed due to climate change. It is therefore concerning that this policy is not mandating a more ambitious level of water re-use, i.e. HQM 4 Star rather than HQM 3.5 Star. HQM 3.5 Star requires just 12 credits, which can be achieved with minimal to no rainwater reuse (harvesting).

This also goes against recommendations in the supporting evidence report 'Gatwick sub-region Water Cycle Study' which states that "Strategic residential developments, and commercial developments should consider incorporating greywater recycling and/or rainwater harvesting into development at the master planning stage in order to reduce water demand." Policy DPS5 also highlights that "Mid Sussex District is in an area of serious water stress. Development must be positively planned to minimise its impact on water resources and water quality and to provide resilience against the impacts of climate change including security of water supply."

In relation to water resources, policy DPS2 states that "development must demonstrate that opportunities have been taken to incorporate measures". It is our view that this wording is insufficiently robust considering the critical need to preserve our highly stressed resources. Therefore, we urge that HQM Star 4 must be set as the minimum water protection standard.

### **3.2.3(c) Embodied carbon and waste**

Policy DPS2 requires developers to support the circular economy by minimising construction, demolition and excavation waste disposed of in landfill and follow the waste hierarchy to maximise recycling and re-use of material. It is good to see waste being highlighted as a key issue. However we consider that this needs to be supported within DPS2 by an incremental waste reduction target that increases in ambition over the plan period.

In addition, the critical need to address the carbon impact of construction across our district is not sufficiently addressed. The Environmental Impact of Materials assessment approach within the HQM standard should be used to drive higher standards in support of our net zero goals and Policy DPS1 Climate Change. The HQM 'comprehensive' route to assess the environmental impact of materials should be mandated with all development being expected to gain at least 15 credits. This is an area where a ratchetting up approach could also be considered to encourage progressive levels of change.

### **3.2.3(d) Retrofitting/refurbishment of existing homes**

We would like to see DPS2's definition of "development" to which this policy applies more clearly cover applications for the refurbishment, extension or alteration of existing buildings.

Retrofitting and better insulating existing buildings presents our biggest challenge and opportunity to achieving local and national climate goals. So we are concerned that DPS2 does not set policies to stimulate action in this critical area. Central government published a Clean Growth Strategy in 2017 which set a clear expectation for local authorities to use their planning powers to help drive action on retrofit. Mid Sussex needs to set targets and milestones to support monitoring and driving our action in this area. Reference: Retrofit Policy Playbook UKGBC, November 2020 <https://www.ukgbc.org/ukgbc-work/driving-retrofit-of-existing-homes/>

## 4 ENVIRONMENTAL ENHANCEMENT

### 4.1 Biodiversity

#### 4.1.1 *CPRESx supports the Sussex Wildlife Trust submission*

We have liaised with the Sussex Wildlife Trust over their submission in respect of this Plan Review and fully support their representations. We do not duplicate them here. We particularly agree on the importance of ecological asset mapping as a necessary precursor to site allocation decisions. For example, there is some extremely valuable ecological conservation work being undertaken by volunteers around Sayers Common, which is an area of known ornithological and biodiversity richness.

#### 4.1.2 *Biodiversity Policy DPN1*

**We ask that nature recovery and enhancement be given further priority within DPN1.**

We call for a change to policy DPN1. We have argued in section 2.2 above that your Plan under-appreciates the value of the countryside as a natural capital asset in its own right. Policy DPN1 provides an example of our concern. As it stands, this proposed policy focusses on how to make development in the countryside ecologically acceptable, and therefore starts from an implicit assumption that proposed new development can enhance the natural environment in which it would be sited. That may not always be a justifiable starting point. There are significant areas of the countryside – some designated in some way, some not – whose value lies in their being left untrammelled by development and left to their own devices or set aside for natural enhancement – ELMS, additional forestation or rare species protection, for example - in furtherance of the Government’s 25 Year Environment Plan and for their climate change mitigation value through nature recovery schemes. If one is to set aside land for nature, as the Government requires, and to address nature recovery at the required landscape level, there need to be strategically selected, clearly identifiable areas of the District that are protected from development. That would be positive planning in action. The area comprising Worth Forest and adjacent St Leonards Forest is a prime example.

We call for express language within policy DPN1 to reference your Council’s Ecological Network and Green Infrastructure Mapping work: language which states that (a) development will not be allowed in areas identified on those maps for safeguarding and/or nature recovery or enhancement schemes - this would give effect to the purpose of NPPF para 175 which requires authorities to plan for the enhancement of natural capital at a catchment or landscape scale; and (b) your Council will use its planning and other powers where it can to promote sound, targeted nature recovery and enhancement schemes at landscape and local area levels and work with neighbouring authorities and others to achieve this policy in an integrated manner.

We would like to see the Council set out specific measurable targets within the Plan for new woodland and hedgerow plantings within the District, given that the Government has set a national annual UK target of planting 30,000 ha of trees from 2024; and that the Climate Change Commission has recommended a 40% increase target for new hedgerows by 2050. Initiatives of this kind will help both to increase carbon storage and to maintain and improve landscape character.

### 4.2 Pollution and Air Quality

**We seek strengthening of all the Plan’s various pollution and air quality policies, and that DPN6 be categorised as strategic.**

#### **4.2.1 Pollution** (DPN6)

We ask that this policy be re-categorised as a strategic policy. It is the governing policy of a suite of important policies (DPN7-DPN10) in strategic planning terms and is a key policy that aims to implement overall Plan objectives 3 (Protect Valued Landscapes) and 12 (Support Safe, Healthy and Inclusive Communities), objectives that CPRESx naturally supports.

#### **4.2.2 Noise** (DPN7)

We believe that the vague but important term “significant” as used in policy DPN7 merits clarification as, on its own, the term is too open to (potentially inconsistent) interpretation without, for example expressly recognising that significance needs to be assessed in the context of the location involved: intrusive development noise will impact differently in the middle of the countryside as compared to the middle of a big town.

To that end we ask you to consider adding a new sentence within DPN7 on the lines of: *“The significance of the impact of noise on the health and quality of life of a person affected by it will take into account the degree of the overall noise’s intensity, disturbance and annoyance on physical and mental health and quality of life, and its timing and its overall duration, all in the context of the normal local level of ambient noise.”*

CPRESx would also support a definition or detailed explanation of what the Council would expect to see by way of ‘adequate sound insulation measures’ to ensure that all parties are working towards and cognizant of such measures.

#### **4.2.3 Light** (DPN8)

We submit that your Council could valuably utilise the available granular data on light hotspots within the District in order to monitor and thereafter target a measurable reduction in such pollution. CPRESx has melded data from Natural England, Earth Observation Group, OpenStreetMap and ESRI World Imagery to make available a light pollution map<sup>10</sup> which illustrates the light hotspots across the country and which in turn can be focussed down to Mid-Sussex. The interactive search tool can be utilised to highlight, inter alia, National Parks and Areas of Outstanding Natural Beauty so one can see the current level of light pollution in such areas. The light pollution map could valuably be used at the site allocation stage both to guide the sustainable location of development and to monitor the current light pollution levels in different areas.

#### **4.2.4 Air quality** (DPN9)

CPRESx argues that good air quality is a fundamental human right that any responsible proactive Council that claims, as your Council does, to be a high performing council, will want to legislate for by setting and enforcing high, effective, monitorable air quality standards within their strategic plan. Standards that can be readily tightened as science and legislation demonstrate a need.

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<sup>10</sup> See <https://www.nightblight.cpre.org.uk/maps/>

Whilst we accept that DPN9 improves the noise component of existing policy SA38, it still falls short of being a justified, and hence sound, policy. It is insufficiently proactive and specific to be effective to ensure that specific hazards to health and high air quality are maintained and monitored throughout the District, with clear guidance of maximum acceptable levels of hazardous pollutants to be monitored.

So we repeat our representations here in the context of policy DPN9, which proposes some limited upgrades to the air quality policy within the 2018 District Plan. So please treat CPRESx's representations to the SADPD Inspector<sup>11</sup> as part of our submission here. If required, we can provide you with copies of those parts of our submissions which we note have been removed from the Sites Allocation DPD Public Examination online library.

As regards final paragraph of DPN9, the wording ought to reflect the regulatory hierarchy principle that mitigation measures should only be considered as potentially acceptable if avoidance of harm is practically impossible and not, as it is drafted, as a more convenient alternative to avoidance. Accordingly, we ask that the words "*or, to the extent that harm cannot be avoided, as far as possible*" be added into the last line of that last paragraph, before "*mitigate for*".

#### **4.2.5 Land contamination** (DPN10)

We suggest that the words "*contamination to soil, watercourses, water bodies, groundwater and aquifers*" be added in the second paragraph after "*land uses*". Without these additional words developers will not be required to include water contamination hazard within their preliminary investigatory reports on which your Council will be placing reliance.

#### **4.2.6 Water pollution** (DPS5)

In our view new development should only be permitted once it can be demonstrated that any necessary water and sewerage infrastructure facilities to which it will be connected have the capacity to cope with the additional load and will not exacerbate the need for unauthorised sewerage releases into watercourses. We urge the inclusion of an additional paragraph to that effect either within DPS5 or as an additional pollution policy after DPN10.

Whilst we applaud the DPS5 policy statement that "*development will only be permitted where it can be demonstrated that it would not result in an unacceptable risk to or adversely affect the quality, quantity, levels and ecology of surface water and groundwater resources*" we call for an additional express statement within your water pollution policy that it will be a condition of the grant of permission for larger scale development occurring in proximity to a watercourse or known underground water reserve that there is continuous monitoring and reporting to your Council of water quality and potential pollutants from the beginning to the end of the construction period. The purpose would be to ensure that on-site construction work is not adversely affecting water quality.

If water pollution is to continue to be dealt within in DPS5, separately from other pollution policies, it needs to be made clear that it is subject to DPN6.

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<sup>11</sup> <https://www.midsussex.gov.uk/media/6937/rep-689-003-cpre-sussex-matter-4-hearing-statement-air-quality.pdf> and the draft policy framework dated 21 June 2021 submitted into evidence at the examination (but since redacted by your Council from the examination evidence library).

## 5. ENERGY RESILIENCE (Policy DPS3)

For reasons discussed below, we advocate that Policy DPS3 be augmented as follows

- to include specific measurable 5 yearly fossil fuel usage and energy demand reduction targets;
- to require the Council actively to encourage and support community based renewable energy schemes, and set an incremental target for new generation capacity over the Plan's life;
- to introduce a sequential process that supports the widespread installation of rooftop solar panels in preference to solar arrays in the open countryside, supported by five yearly targets for defined levels of increase in rooftop area of solar panels.
- For wind energy schemes to require assessment of landscape, tranquillity and ecological impacts.

### 5.1 Energy demand reduction

We are pleased to read that the Council has been measuring carbon emission levels and fuel consumption (presumably fossil fuel consumption?), and that levels of both have dropped significantly in recent years. Policies designed to encourage reduction in energy demand have as big a role to play in climate change mitigation as increasing the supply of renewable energy sources. Setting a stretching target for reducing energy demand in all new and repurposed development is particularly important, in our view. This has been shown to be the most significant way to mitigate climate change and to reduce fuel poverty. Studies establish that retrofitting buildings to upgrade insulation and heating systems, and reducing the number and length of car journeys via the sustainable location of new development and ready availability of convenient alternative sustainable transport, together deliver the most bang for that buck.

The discussion on demand reduction in the text that precedes policy DPS3 is not carried through into the policy itself, which says nothing at all on this key subject. What is especially disappointing is the absence from policy DPS3 of any targets for the future further reduction in the levels of carbon emissions and fossil fuel consumption in 5 yearly periods during the Plan's extended life. Your Council patently has the tools to measure levels of emissions and energy usage, and reduction targets are an essential tool by which the Council can measure the effectiveness of its energy resilience policy and, if need be, upgrade the policy in the future to step up demand reduction requirements.

### 5.2 Renewable energy generation

Given the Council's conclusion that it is not practical to site any major renewable energy scheme within the District before 2039, it becomes all the more important that the Council should actively encourage and support community based schemes, and that it set within DPS3 an incremental target for new generation capacity over the Plan's life. That seems to us to be the optimal way in which the Council can demonstrate its capacity to deliver on NPPF paras 155-156 requirement to maximise renewable and low carbon energy development as a core planning principle.

We would encourage the Council to consider teaming up with organisations such as MCS Charitable Foundation<sup>12</sup> which works with planning authorities and communities across the UK in developing and funding community renewable energy schemes.

### **5.3 Solar panels**

CPRESx is naturally highly supportive of significantly increasing our renewable energy source capacity, and discontinuing exploration for new sources of fossil fuels. CPRE's position, nationally and locally, is that there is ample evidence that it is perfectly possible to achieve this in relation to solar panels without despoiling large areas of open countryside under long-term solar arrays by mandating the far greater use of solar panels on commercial and residential buildings, and suitable brownfield sites.

It has been calculated<sup>13</sup> that there are 250,000 hectares of south-facing commercial roof space in the UK - enough to meet half the UK's electricity demand<sup>14</sup> - not to mention domestic roofs and surface car parks that could be harnessed with little impact on landscape, tranquillity and cultural heritage. With a strong enough policy requirement for new and repurposed commercial and residential development to maximise solar panels on suitable roof areas it is unnecessary to despoil Mid Sussex's landscapes with large scale solar arrays.

Policy DPS3 should distinguish between the use of solar panels on roof spaces (where there should be a presumption that they are to be supported by policy) and solar arrays in the countryside (where there should be a presumption against subject to exception where absence of landscape, ecological, agricultural usage etc harm, and where local support, can all be demonstrated).

Accordingly, we call for DPS3 to include a sequential policy for considering applications development applications that prioritises rooftop usage and then any suitable brownfield sites. DPS3 should require new roof areas on all new and repurposed commercial and residential development suitable to have solar panels (not merely sufficient to supply the development itself). The Plan should set five yearly targets for defined levels of increase in rooftop area of solar panels.

### **5.4 Wind turbines**

Policy DPS3 should include landscape, ecological and tranquillity impacts as explicit assessment criteria for onshore wind turbine applications given their inevitable visibility intrusiveness. As drafted DPS3 does not extend those criteria to wind energy development. There may for example be areas within the High Weald AONB, or other high value landscapes, which may theoretically be suitable for wind turbine installation; but which would be unacceptable in practice on one or both of those grounds.

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<sup>12</sup> <https://www.mcscharitablefoundation.org/about>

<sup>13</sup> By BRE National Solar Centre: [https://www.bre.co.uk/filelibrary/nsc/Documents Library/NSC Publications/123160-NSC-Solar-Roofs-Good-Practice-Guide-WEB.pdf](https://www.bre.co.uk/filelibrary/nsc/Documents%20Library/NSC%20Publications/123160-NSC-Solar-Roofs-Good-Practice-Guide-WEB.pdf)

<sup>14</sup> The Climate Change Committee (2019) recommended that 54GW of solar capacity is needed by 2035.