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THIS SUBMISSION BY CPRE SUSSEX, THE SUSSEX COUNTRYSIDE CHARITY, RESPONDS TO THE PUBLIC CONSULTATION IN RESPECT OF MID SUSSEX DISTRICT COUNCIL'S REGULATION 19 CONSULTATION DRAFT DISTRICT PLAN 2021 – 2039

21 February 2024

Index

Introduction	2
Chapters 5/6: Vision & Objectives. and District Plan Strategy	3
Chapter 8: Sustainability	4
Chapter 9: Natural Environment and Green Infrastructure	7
Chapter 10: Countryside	10
Chapter 14: Housing	14
Chapter 15: Sustainable Communities	21
Chapter 16: Smaller Site Allocations	29
Chapter 17: Infrastructure	30
Chapter 18: Implementation & Monitoring	31
Overall Conclusions	32
Addendum – Minor changes to the Plan requested by CPRESx	33

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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Introduction

We, CPRE Sussex (CPRESx), the Sussex countryside charity, welcome this opportunity to comment on this Regulation 19 draft of the updated Mid Sussex District Plan that is intended to apply retrospectively to 2021 and prospectively until March 2039.

The main focus of this response is on the sustainability of those of the proposed Plan's policies that impact most significantly the District's rural and countryside character. It is that rural heritage that makes Mid Sussex the wonderful District that so many residents are proud to call home. We welcome positive change and development policies that encourage vibrant, economically self-sufficient local communities. At the same time, the District's special heritage imposes on your Council the challenging burden of developing policies that are sufficiently sensitive to its protection.

We contributed to the previous Regulation 18 consultation, and are pleased to see that some of the concerns that we expressed, especially with regard to environmental and climate change aspects of the draft Plan are reflected in more proactive policies. We congratulate your Council on those changes.

Our response in this submission aims to offer constructive proposals to strengthen the Plan as a positive and sustainable long term strategic plan for the District in respect of those policies that, in our view, fail one or more of the soundness criteria. Where we are asking for minor policy modifications (see the appendix for a list of them), none of those changes would in our view require a further sustainability appraisal.

References below to the National Planning Policy Framework are to the September 2023 version.

We would welcome the opportunity to participate in the Plan's public examination process on any of the issues raised in this response on which the Inspector examining this draft Plan Update decides to seek further evidence.

If there is anything in relation to this submission that you would find it helpful to discuss with us before the Plan examination, please do let us know.

This submission has been prepared collectively by Paul Steedman, Director of CPRE Sussex, and a team of volunteer members of the charity.

Chapter 5 – Vision and Objectives

CPRESx supports the Plan’s vision and objectives for a sustainable future for the District. As para 7 of the NPPF says *“The purpose of the planning system is to contribute to the achievement of sustainable development”*. The sustainability of development proposals within the Plan Review is the core prerequisite of their soundness. We recognise that Plans must be positively prepared and aspirational but, as NPPF para 16 acknowledges, they must be deliverable.

The concerns that we express below focus on whether the policy provisions on which we comment promote, or compromise, that vision and those objectives, thereby undermining the Plan’s overall soundness.

Chapter 6 – District Plan Strategy

1. The table on p.33 that breaks down the District’s settlements according to the three degrees of their potential for growth appears to us to be at odds with the table on p.40 (inherited from the current Plan) that lists 5 categories of settlements by size and growth capacity. The inter-relationship between these two parts of part 6 of the draft Plan Review lacks the necessary clear explanation to remove confusion on a key part of the Plan strategy as to the extent to which individual settlements should expect to expand over the life of the new Plan. It is therefore not effective.
2. **We challenge the reference on p.33 to Ashurst Wood being a settlement “with potential for proportionate growth”. It should be moved to the first column as a settlement with limited further growth potential.**

The current proposal is not justified by the evidence, nor consistent with the Government’s National Landscape conservation and enhancement policy: Ashurst Wood is within the High Weald AONB, to which NPPF para 176 affords the highest level of planning protection and requires any development to be limited in scope and extent. It is the only settlement within the High Weald that MSDC has singled out for so-called “proportionate” growth. The draft Plan does not define or explain the difference between “limited” and “proportionate” growth; and offers no explanation for its claim that it has a higher potential for new housing than other AONB located settlements, nor how proportionate growth in Ashurst Wood is compatible with draft policy DPC6. Indeed, on p.32 MSDC states expressly that their SHELAA evidence is that the potential for anything other than limited housing growth only lies outside the High Weald AONB. What’s more, nor does the proposed settlement distribution strategy set on in tables 2a and 2b on p.41 indicate a need for significant growth at Ashurst Wood beyond existing commitments. (CPRESx has no objection to the small proposed allocation at the Paddocks in Ashurst Wood in DPA13, and did not oppose the main existing commitment in the village which involves a brownfield site).

3. We comment on your detailed settlement strategy in our comments on chapters 14 – 16.

8. Sustainability

DPS1: Climate Change

1. As per our comments on the Regulation 18 plan draft, we continue to welcome the existence of an overarching strategic policy on climate change. While the policy is welcome, and the supporting text is clear about the national and global context, the targets are insufficiently ambitious, the monitoring framework unclear and the delivery of the policy is highly dependent on other policies in the plan, some of which are weak.
2. We applaud the Council's in principle commitment to ensure that, to the extent of its powers, it is committed to a District-wide zero carbon outcome though we question whether a date of 2050 "aligned to the national target" is sufficiently ambitious. Further, we challenge your defeatist statement on page 47 that "*The vast majority [of the district's emissions] exist beyond the Council's direct control and therefore depend on other mechanisms to influence behaviour change.*" The Climate Change Committee (CCC) has advised on what the CCC called the "crucial" the role of Local Authorities in reducing climate change. The CCC reports that LPAs "*place-shaping powers and actions potentially influence around a third of UK emissions principally in the buildings, transport, waste and land-use sectors. They have a range of existing levers that can be used to deliver local action that reduces emissions and prepares local areas to a changing climate. The Local Authority role in delivering Net Zero through place shaping is crucial. ... LPAs therefore have significant power to accelerate or slow the net zero transition.*"¹ ADEPT's 2020 "Blueprint for accelerating climate action and a green recovery at the local level"² and the Town & Country Planning Association's July 2023 report to the Climate Change Committee "Spatial Planning for Climate Resilience and Net Zero"³ both offer authoritative practical guides to actions that LPAs can take.

Your council has the wherewithal to use this Plan to influence local developer and others' behaviours to achieve a District-wide net-zero outcome. It needs to use its powers to the full. Our suggestions below re new hedgerow planting (para 6 below) and solar panels (DPS3) provide individual examples. Much more significant would be giving effect in practice to your policy on sustainable transport and reducing car-dependency.

3. In order to soundly meet the NPPF requirement that "The planning system... should help to "*shape places in ways that contribute to radical reductions in greenhouse gas emissions*" (para 152), the carbon reduction targets set out in the supporting text should, as a minimum, be consistent with the five-yearly Carbon Budgets set out by the Climate Change Committee. This would see steep and early reductions in carbon emissions, not simply an aspiration to reach net zero by the national target of 2050. The text should therefore refer to a "78% reduction in carbon emissions by 2035, as part of a pathway to net zero in line with the national target", as set out in the CCC's Sixth Carbon

¹ See <https://www.theccc.org.uk/publication/local-authorities-and-the-sixth-carbon-budget/> (Dec 2020)

² https://www.adeptnet.org.uk/system/files/documents/Blueprint%20for%20a%20green%20recovery_refresh_Dec%202020_1.pdf

³ <https://www.theccc.org.uk/publication/spatial-planning-for-climate-resilience-and-net-zero-cse-tcpa/>

Budget. We recommend you to the much more ambitious target that has been proposed by Lancaster City Council as part of their [Climate Emergency Partial Review of its Local Plan](#), in which a 2030 net zero deadline is set out.

4. Additional policy is needed to identify what target thresholds or standards must be met on an ongoing basis. In addition, policy DPS1 must set out how its effectiveness in securing greenhouse gas reductions will be measured and reported in the Annual Monitoring Report, including by reference to the CCC's Carbon Budget targets. The monitoring proposals in Chapter 18 are inadequate and far too imprecise to enable your Council and the public to monitor whether the policies in your Plan Review are proving effective to deliver sufficient greenhouse gas reductions.

The successful delivery of DPS1 is contingent on the success of a number of other policies within the plan. We remain deeply concerned by a number of the strategic site allocation proposals (addressed elsewhere in our response) which would operate contrary to this strategic DPS1 policy, not least because they would increase car-dependency, rather than deliver genuine and welcome 20-min neighbourhoods. The fundamental conflict between the wise principles set out in DPT1 and the expansive sprawl suggested in much of Chapter 15 (rather than taking an approach that would densify existing urban centres) will significantly undermine the LPA's ability to deliver on climate and DPS1.

5. We fear that paras 4. and 6 of DPS1 will carry no practical value unless they are expanded to explain how applicants will be expected to demonstrate compliance, and how the Council will satisfy itself of the honouring in practice of these worthy, but vaguely expressed, requirements to reduce non CO² emissions and protect carbon sinks.
6. In DPS1 para 5, please add "**new hedgerows and**" after "to plant" in line 3. Hedgerows are very vulnerable to destruction in the course of development and are highly efficient carbon sequestrators. Adding this proposed reference to hedgerows here would also align policy DPS1 with policy DPN4 in this regard.

DPS2: Sustainable Design and Construction

DPS2 needs strengthening to achieve the Plan's net zero target.

We *strongly* welcome the requirement for all new development to be zero carbon, and the sequential approach to fabric, demand reduction and onsite renewable generation. However, this clear statement appears to be undermined by the requirement that residential developments require only HQM Level 3* overall (albeit with "sufficient credits in the 'Energy performance' and 'Towards carbon negative' categories of HQM (or equivalent) to demonstrate that the development produces net zero regulated and unregulated emissions").

Either within the Plan, or in a separate, referenced document, there should be a clearer and more ambitious set of specifications that will deliver the Zero Carbon standard required. The policy should explicitly mandate roof-mounted solar PV on all new-builds.

We very much welcome the focus on Embodied Carbon and the prioritisation of retention and refit. However, while it is welcome that smaller scale refurbishment or renovation is now covered by wording on 'Householder Development' this would be much stronger if supported by (at least)

advice or guidance (and preferably policy) on approaches and standards that such developments should be aiming for. Given that the vast majority of operational building-related emissions will come from *existing* stock, this is critical if policy DPS1 is to actually be delivered.

DPS3: Renewable and Low Carbon Energy Schemes

Rooftop solar panels

Overall, we are pleased that the policy seeks to balance the need to expand renewable energy generation with the importance of landscape protection. We are particularly pleased to note the positive approach to community-led energy schemes.

However, in line with our comments on DPS2 above, **DPS3 should include a requirement that new roof areas on all suitable new and repurposed commercial and residential development to have solar panels maximizing their generating capability** (not merely sufficient to supply the development itself). The Plan should set, monitor and report on five yearly targets for defined levels of increase in rooftop area of solar panels.

DPS6: Health and Wellbeing

Policy DPS6 para 8 should be extended to providing spaces for community members to exercise.

9. Natural Environment & Green Infrastructure

DPN1 – DPN3. CPRESx defers to and echoes the support of, and comments made by, the Sussex Wildlife Trust.

DPN4: Trees, Woodland and Hedgerow

1. **Ancient woodland soils also need protection.** Paragraph 3 of the explanatory section discusses why ancient woodland requires special protection. That paragraph omits to mention that one of the key values of ancient woodland is the uniquely high ecological value of its soils, which will typically have been largely undisturbed for 4 or more centuries. These soils are as important to protect as the trees, plants, invertebrates and other wildlife that these soils generate.⁴ That role needs to be mentioned.

Hydrology changes from e.g. new sustainable drainage systems can have a significant impact on ancient woodland soils and the vital bacteria and creatures etc that inhabit them, the potential for such impacts should be an essential part of the analysis of any development proposal and potential additional ground for its refusal.

Policy DPN4 itself requires two changes to make it effective to protect ancient woodland soils:

- To add **“and soil”** before **“protection areas”** at the end of the second paragraph in the policy section dealing with Protection of Trees, Woodland and Hedgerows; and
 - To include a paragraph (reflecting the discussion in the explanatory section, but currently missing from the policy itself) to the effect that sustainable drainage systems will not be permitted if they are liable to change the water table beneath any adjacent ancient woodland or otherwise adversely impact its soil.
2. **Buffer zones:** We are aware that some developers seek to negotiate the extent of buffer zones required to protect ancient trees and woodland. To save argument on the point, and to give your Council the authority to determine what amounts to an appropriate buffer in any given case, we urge your Council to add an additional sentence at the end of second paragraph in the policy section dealing with Protection of Trees, Woodland and Hedgerows to the effect of **“When assessing a planning application when there are ancient woodland, ancient trees or veteran trees on or near a proposed development site, compliance with Natural England’s then current guidance⁵ on the issues involved will be required”**.
 3. **Hedgerows need further protection in Policy DPN4:** DPN4 fails currently to reference the need for any developer planning to remove an existing hedgerow to demonstrate compliance with the

⁴ <https://www.woodlandtrust.org.uk/media/1754/wood-wise-secrets-of-the-soil.pdf>

⁵ <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions#:~:text=Buffer%20zone%20recommendations&text=For%20ancient%20or%20veteran%20trees,15%20ti mes%20the%20tree's%20diameter.>

Hedgerow Regulations 1997⁶. A reference to those often overlooked Regulations needs to be added to the policy section headed “Works to Trees and Hedgerows”.

Given their great ecological and climate change roles, we consider that it would be appropriate policy to require any developer who removes a length of hedgerow as part of any planning permission to be required as a planning condition to plant at least twice an equivalent length of new hedgerow in recognition of the important role that hedges play in absorbing greenhouse gases unless that is practically impossible.

4. **Replacement Tress:** It is not good enough for policy DPN4 to require “Where a protected or established tree or group of trees is felled, a replacement tree or group of trees, on a greater than 1:1 basis”. Mature trees have an ecological and climate change importance, and their loss requires a far more robust policy than “greater than 1:1”. We commend Crawley BC’s proposed strategic policy DD4 as offering a more proactive replacement policy.

DPN6: Pollution

DPN7: Noise Impacts

DPN9: Air Quality

1. **DPN6 should be a strategic policy.** Pollution is a core planning issue that sets the Council’s overall long term strategy for pollution minimisation. DPN6 is the governing policy of a suite of specific policies on different forms of pollution (DPN7- DPN10). Pollution is not covered by the chapter’s main strategic policy DPN1.
2. **DPN6:** Water quality is an issue of justly high public concern. We are disappointed therefore that the Plan Review lacks any specific policy to regulate water pollution. That is incompatible with NPPF para 174e) and 185. At regulation 18 stage water pollution was included within draft policy DPS5 which was then entitled “Water Infrastructure and Water Environment”. In this regulation 19 draft, policy DPS5 only concerns itself with “Water Neutrality”, and, whilst DPI7 (which does deal with water infrastructure) refers to the avoidance of water pollution it does not in fact contain any policy requirements in the avoidance of water pollution, despite one of the main conclusions of the Sustainability Appraisal being that “*managing water resources and water quality is key to serve existing and future residents*” (our underlining).

We do not expect the Council to second guess the responsibility of pollution control bodies or the application of other water pollution control regimes. We do, however, consider that it is a proper matter for this Plan to include a policy that sets an expectation that water quality of water courses, lakes, reservoirs, aquifers etc is not compromised as a result of permitted development or subsequent use of land.

⁶ https://assets.publishing.service.gov.uk/media/5a817aee40f0b6230269788e/hedgerow_guide_part_1.pdf

To that end, we propose that the Plan should include a policy requiring developers of sites of, say, 100+ dwellings, or commercial premises of a certain square meterage, to measure the water quality of any adjacent stream or river above and below the development site before during and after completion of the development and report to your Council any evidence of increased pollutants that might result from the development works or from run-off from the development site and remediate it at their expense.

Please also see our comments on policy DPI7 Water and Wastewater Infrastructure.

3. **DPN7: Clarification is needed as to when noise is unacceptable.** There are a number of factors that will contribute to any consideration of the acceptability of noise created either by the construction process itself or subsequent site use. DPN7 refers only to some of those factors. It should record all the main factors, not an arbitrary and incomplete list. We suggest 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, frequency, 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. Significance will also depend on the site location.”***
4. **DPN9: Ashdown Forest SPA and SAC:** In lines 3 and 4 of the policy section dealing with protection of the air quality of Ashdown Forest’s SPA and SAC the words *“may be expected to demonstrate”* should be replaced by ***“must demonstrate”***. Traffic impact assessment is surely a requirement, not a mere expectation.

10. Countryside

DPC1: Protection and Enhancement of the Countryside

1. **The countryside needs recognition in policy DPC1 as having significant economic value.** We welcome this Policy, and especially its recognition that Mid Sussex's countryside has natural capital value. That value is an economic value, not merely an environmental or social one. Given that Mid Sussex is a largely rural district, that financial value is, in aggregate, significant⁷. It needs to be a core part of the required balancing exercise in considering the benefits and downsides of a given planning application. To that end we seek the following modifications to policy DPC1:
 - Add “,economic” after “environmental” in the penultimate line of the second paragraph;
 - Add “and natural capital” after “landscape” in line 2 of the third paragraph; and
 - Add “,social and economic” after “environmental” in the penultimate line of the second paragraph of the explanatory text supporting DPC1.

These additions are needed to give effect to NPPF paragraph 174b), and hence to be consistent with national policy: Para 174b) requires planning policies to “*contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services*” (our emphasis).

2. **A specific Low Weald policy is required.** The draft Plan's strategy for effective land use addresses primarily the issue of where it is and isn't deemed appropriate to permit new development. Whilst we recognise and welcome the Plan policies that foster the High Weald (including Ashdown Forest) and the setting of the South Downs National Park, and BMV agricultural land, the effect of that is to impose much greater development pressure on the rural Low Weald, as this Plan Review amply demonstrates.

The Low Weald is an ecologically important area of high sensitivity to large scale development. Because of that it seems to us to be of paramount importance to develop a policy that makes clear where and in what circumstances development will be allowed to trump its environmental conservation and enhancement. So we would wish to see the Plan for our rural District fulfil its overall land use purpose by identifying other areas which serve a particularly valuable intrinsic purpose that need policies to promote the conservation and enhancement of those purposes.

To that end we invite the Council to consider adding a specific policy, as described below, that recognises the natural capital and environmental importance to the District of the Low Weald. The Low Weald, including that part of it situated within the Mid Sussex District Plan area which is of relevance to this draft Plan, has a particularly special landscape character that represents everything

⁷ The Office of National Statistics' November 2023 publication “UK Natural Capital Accounts: 2023” estimates the financial and societal value of England's natural resources. For example, the ONS estimates the annual value of health benefits from countryside recreation in England at £370 billion in 2021 alone, tourism at £291b pa. and the value of air pollution removed by nature in 2021 at £2.5b. See <https://www.ons.gov.uk/economy/environmentalaccounts/bulletins/uknaturalcapitalaccounts/2023>

that is important to the rural nature of our rural district, but is at the same time particularly exposed to development pressure. Its pattern of small, widely separated, downland villages, its lack of sustainable connectivity, and its agricultural heritage all make it wholly unsuitable as a main focal point within which to satisfy the District's urban expansion. As would its role as the principal rural landscape that segregates the South Downs from the urban conurbations from Crawley and Gatwick northwards to London.

That development pressure is mainly accounted for by the Council's failure to give due weight to its own evidence as to the real and substantial environmental constraints that exist across the District. The Council-commissioned Capacity Study of Mid Sussex District to Accommodate Development (June 2014)⁸ concluded that *"almost two thirds of the District is covered by primary level constraints, i.e. areas that are afforded the highest protection under national policy. In the remaining parts of the District, very few areas (only 4% of the District) are not also covered by one or more secondary constraints (still sensitive but have less weight applied to them in national policy) or not already built upon. Only those areas in close proximity to the main settlements have more than three services within walking distance and are therefore likely to be more sustainable locations for new development."* (para 6.24).

The Council's failure to give proper weight to this report's conclusions leads directly to the Council's current proposals to accommodate much of the full quota of District's new housing and business sites within the 50% of the District that lies outside the High Weald AONB and away from the Ashdown Forest SAC/SPA. The pressure is exacerbated by the proximity of convenient urban areas – Brighton and Gatwick/Crawley – that are unable to meet their own housing quotas.

As matters stand, the Low Weald is inadvertently set up by the Updated District Plan to become the playground of the construction industry. But it cannot represent positive planning to force most of a full "standard method housing quota" – a quota that exceeds Mid Sussex's own actual housing needs by, on the Council's own 2022 calculation, over 5,600 dwellings – into 50% of the District area when that area, the Low Weald has high landscape value and low development capacity. The Low Weald is as much in need of individual policy certainty as the High Weald, arguably more so given its overall lack of statutory designation.

We seek the addition into the Plan of a specific policy that addresses how the balance is to be struck between the conservation and enhancement of the Low Weald habitats on the one hand and new development pressures on the other, so that, at a landscape level, its uniqueness is fostered and not haphazardly fragmented, degraded and eroded. The general provisions of DPC1 are not, in themselves, sufficient to provide that balance that recognises the uniqueness of the Low Weald. To that extent, DPC1 is not justified; and, absent any cross-boundary policy-driven arrangements with other authorities that cover other parts of the Low Weald, it is not effective either.

⁸ See <https://www.midsussex.gov.uk/media/2485/mid-sussex-capacity-study.pdf>. This study formed part of the evidence case for the current District Plan, but its analysis of the extent of Mid Sussex's environmental constraints and ability to accommodate housing remains valid now. It should therefore be included within the evidence basis for this Plan Review.

The special features of the Low Weald are recorded in Natural England's Landscape Character Area (NCA) profile 121 (<https://publications.naturalengland.org.uk/publication/12332031>). This report explains the main character features that make the area of special importance. It details the varied and extensive ecosystem services that the Low Weald provides and, importantly, the opportunities that exist to enhance the natural qualities and resources of the Low Weald: what the report calls "Statements of Environmental Opportunity" (of which it explains five in detail).

Unlike the High Weald which, being designated as a National Landscape, has its own Management Plan for whose preparation and implementation MSDC and the other planning authorities covering its area are legally responsible, the Low Weald has no body, or group of bodies, accountable for managing it as a holistic landscape. Natural England's NCA profile is the equivalent of a National Landscape Management Plan.

In our view, if MSDC is to honour its environmental responsibilities for the District in accordance with its Plan vision to *"improve the economic, social and environmental well-being of our District"* the NCA report needs, at a minimum, to be treated as a material consideration by the Council in its strategic planning policy and planning decisions. That would provide what is in reality the only opportunity that exists to give effect to the protection of the Low Weald's crucial ecosystem resources and services, and its environmental enhancement by promoting and giving effect to the environmental opportunities spelled out in Natural England's report.

We would envisage a Low Weald Policy - the foil of the High Weald policy DPC4 - that (a) requires the Council to treat as a material planning and sustainability consideration the need to conserve and enhance the Low Weald's ecosystem services, and to promote the specific environmental opportunities, listed in the NCA report, (b) acknowledges a correlation between the scale and extent of any development proposal and the degree of risk of threat or harm to the Low Weald, and (c) commits the Council to seek to work constructively with other planning authorities whose area includes part of the Low Weald to achieve the same objectives as a holistic whole. As just one practical example, we would wish to see co-operation with Horsham District to prevent the further fragmentation of Worth and St Leonards ancient forests, and to increase their connectivity.

If it would be helpful, CPRESx would be happy to propose draft wording for a Low Weald Policy for consideration.

- DPC1 terminology:** We seek a change to the phrase "significant development" wherever it used in DPC1. It does not meet the test of NPPF para 16d) that policies should be *"clearly written and unambiguous, so it is evident how a decision maker should react to development proposals"*. It is unclear whether it is intended to have a different meaning from "major" development/applications; without explaining what characteristics would render a development significant. Your Council has itself used the term "significant" to define "Significant Sites" for the purposes of DPSC policies as meaning developments of over 1,000 dwellings. You surely cannot mean that in the context of DPC1. Major development is a widely used term in planning policy and practice. Significant development is not, and generates unhelpful uncertainty, given its defined use elsewhere, in the absence of guidance.

DPC4: High Weald Area of Outstanding Natural Beauty

1. **The setting of the High Weald AONB:** Areas of Outstanding Natural Beauty and National Parks, both now termed National Landscapes, enjoy the same measure of protection under law and through the NPPF (see paras 176-177) as regards their landscape and scenic beauty. Protection of the setting of both is of equal importance if their protection is to be assured, and the same considerations should therefore apply to both in order to conform to national policy.

To that end we seek the replacement of the section of DPC4 dealing with the setting of the High Weald AONB with the same language as that used in the equivalent section of DPC5 governing the setting of the South Downs National Park (albeit referring to the AONB rather than the National Park).

2. It should be made clear that references in DPC4 to The High Weald AONB Management Plan are to the Management Plan as updated from time to time.

14. Housing

DPH1: Housing

For the reasons below, we consider that DPH1 proposal to set a Local Housing Need target of 19,620 new dwellings by 2039 is not justified. A policy that recognized the District's actual housing need as established by the Council itself and that recognized the reality of the District's environmental constraints would, in our view, be justified and positively prepared.

CPRESx's position is that your Council is being far too blinkered in its approach to housing – rather more so than other Sussex planning authorities – involving an excessive overall target that goes beyond meeting the needs of the District and (as discussed below) demands too low a proportion of affordable homes - significantly lower than other Sussex planning authorities.

The Plan Review proposes to set a Local Housing Need target of 19,620 new dwellings by 2039 (1,090 p.a.), requiring the provision of a further 7,459 new homes above existing completions and commitments.

This reflects the computation provisions of the so called “standard method” which the Government claims establishes the housing need of each local planning authority in England. It does no such thing. In the case of Mid Sussex it produces a new housing requirement that exceeds what the Council itself calculated in 2022 to be what the District needs by 5,628 dwellings⁹

Whilst the arbitrary regulatory prohibition on the Council taking advantage of the relaxation in the reliance on the definitive status of the standard method in the current December 2023 version of the NPPF inhibits MSDC in its promotion of a housing target that more reliably reflects the District's actual needs, we do not accept that the Council is justified in concluding that its Plan should be based on a Local Housing Need determined by the standard method's mutant algorithm, and that there are no exceptional circumstances to justify an alternative approach.

The housing target that the Council is proposing fails to reflect the District's actual need and the exceptional environmental constraints, evidenced in its own 2014 Capacity Study, on the District's capacity to expand its housing delivery. We have referred to the Capacity Study findings in our response to policy DPC1.

We accept that the Council has to a large degree recognized that it is constrained in its ability to permit large scale development within, or in the immediate vicinity of the High Weald and Ashdown Forest, and has taken note of the conclusions in that regard of the Planning Inspector who examined your Council's Sites Allocation DPD. We don't accept that this constraint justifies the Council in seeking to use the Low Weald in the south of the District as an appropriate location to site the bulk of its enforced housing quota. Local development supporting existing downland villages can be made sustainable. But significant allocations there remote from existing urban hubs cannot be coerced into becoming sustainable neighbourhoods. Where development cannot be made

⁹ Letter from then Council Leader, J. Ash-Edwards to Michael Gove dated 15 February 2022. CPRESx calculated that the standard method resulted in a theoretical housing need that exceeds the District's actual need by a larger amount than MSDC.

sustainable it should not happen. It is not the job of planning to promote unsustainable development. That reality has to be reflected in the housing target.

Significant environmental and infrastructure constraints are constraints on number, not location. They are designed to enable a planning authority, in appropriate cases, to limit their housing target, not to force their full housing quota into over-developing half the space, especially when that space is largely rural countryside of ecological value. The widespread extent and degree of the constraints identified in the Capacity Study amount, in our opinion, to a clear exceptional case where NPPF para 61 permits the Council to adopt “*an alternative approach which also reflects current and future demographic trends and market signals*” – market signals that the Council itself has concluded result in a housing requirement well in excess of the District’s actual need.

We note that both Wealden and Lewes Districts are proposing as part of their own Plan Reviews housing targets at a level below those dictated by the standard method, and explaining their reasoning as part of their plan consultations. Horsham District’s Plan Review argues that environmental constraints (water neutrality) require it to set a housing target 2,275 below the standard method target and that it is discussing the implications of its unmet need with neighbouring authorities, presumably including your Council.

We believe that the Council can, and should seek to, justify the sustainability of a housing target based on no more than its own assessment of the District’s own local need, and should explain clearly how that assessment has been made in order to justify it as having been positively prepared. That would involve a reduction in the DPH housing target of at least 5,628 dwellings. A reduction of that order would reduce the need for new housing over and above that already envisaged to about 1,800 new dwellings. That would enable your Council to maintain its preferred Option 1 existing Sustainable Community Spatial Strategy, i.e. to “*maintain the existing spatial strategy set out in policies DP4 and DP6 of the Adopted District Plan, with proportionate growth across the hierarchy of settlements, with main settlements accommodating greater levels of growth*”. It would resolve entirely the dilemma created unnecessarily by your accepting the need to make what is in reality an unsustainable set of allocations to create an undeliverable 20 minute neighbourhood at Sayers Common (see our response re policies DPSC Gen and DPSC3 – DPSC7). It would also obviate the need to allocate the site at Crabbet Park and go a long way towards preserving the integrity of the Low Weald.

The dire consequences for Mid Sussex and its residents of requiring an arbitrarily inflated, unnecessary, housing target include the allocation and concreting over of large and unnecessary environmentally sensitive greenfield sites in the countryside where the infrastructure is limited and public transport poor, the serious impairment of the Council’s ability to meet its climate change targets, greatly increased traffic congestion and pollution, and an irreversible change in the rural character of the District. It is the antithesis of sustainable development. Unsustainable development as proposed in DPH1 is neither positively prepared nor justified.

It is a consistent message to CPRE from its membership that the way in which housing targets are set in local plans makes an ass of the system, thereby undermining public confidence in these plans.

DPH2: Sustainable Development – Outside the Built-up Area

Clarification is needed of the intention and meaning (or redrafting) of the policy paragraph that reads “*The developer will need to satisfy the Council that5. A larger site is not brought forward in phases that individually meets the threshold but cumulatively does not.*”

DPH3: Sustainable Development – Inside the Built-up Area

1. **Policy needs to reflect the principle of brownfield first development:** Whilst the discussion sections of the Plan (inc. chapter 6) promise that the Council will adopt a brownfield first approach as a core principle dictating its planning strategy, that intention is not given policy recognition or effect in this Policy DPH3 (or indeed anywhere else). Brownfield first is identified in your Sustainability Appraisal as being the most sustainable of the 5 options considered there where it is available. It is also an NPPF requirement: Chapter 11, called “Making Effective Use of Land” requires the District Plan’s strategy for meeting its housing needs must “*make as much use as possible of previously-developed or ‘brownfield’ land*” (para 119). Whilst the amount of brownfield land within the District may not be extensive, **for the Plan to deliver on its stated good intentions and to be policy compliant, and hence to be justified, DPH3 needs to include a statement that sustainable brownfield development will be prioritised.** Potentially policy DPE5 should too.

The Government has consistently emphasised the need to prioritise urban regeneration over greenfield development. For example, a DULHC Press Release dated 26 October 2023 issued to accompany the enactment of the Levelling Up and Regeneration Act 2023 says “*The Act will ensure the homes we need are built where they are needed in urban areas rather than concreting over the countryside, which is why the Act will enhance our national network of beautiful, nature-rich protected landscapes that can be enjoyed right across the country.*”

The Council should be doing more to identify and develop sites within and around the District’s urban centres to limit the need for development, especially significant development, on rural greenfield sites.

2. **Brownfield development opportunities should be allocated sites:** We challenge the logic of the statement that built-up area sites “*are not normally allocated for development*”. This has the extraordinary and unjustifiable result that greenfield sites are being proposed for allocation to meet the full District housing need even where there are brownfield sites that can meet a proportion of that need and should be prioritised for that purpose. **The last sentence of the commentary to DPH3 should be deleted.**
3. **The Martlets Centre should be an allocated development site:** It is particularly extraordinary that the Plan contains no allocation for the redevelopment before 2039 of the largest sustainable brownfield site within the whole district, namely the Martlets Centre in Burgess Hill, which has been a stalled development for years, and is in urgent need of imaginative regeneration. This site ticks nearly all the sustainability boxes, being close to multiples modes of public transport, shops, medical facilities and schools. That is not a justifiable policy vacuum.

The Plan Review's Affordable Housing proposals and policies DPH8 and DPH9 fail adequately to address the District's need for affordable homes for this sector of its residents, and so are not positively prepared or do not represent a justified strategy.

The country faces a housing crisis. That crisis is primarily a crisis of affordability rather than of number. The affordability crisis will never be solved simply by building more market housing. Home ownership is an aspiration under challenge like never before. For increasing numbers of people it is an aspiration that they have abandoned, or never had. It is vital therefore that your Council has as ambitious and robust a policy for the provision of affordable housing to meet a growing need.

Ensuring the provision of affordable homes (however defined) for those in need is a core social obligation of any local authority. It is also an economic imperative: Lower paid workers are the backbone and lifeblood of any rural economy (and Mid Sussex prides itself on being a rural district). They provide many of the core services and fill many of the local lower paid jobs on which local communities, especially rural communities, depend. Those communities are highly dependent on being able to offer lower wage employment opportunities to local people.

The housing challenge for lower paid and self-employed workers is especially acute in rural areas: higher value, better paid, employment opportunities are few and far between, rural travel costs are higher (and more pollution-causing), and housing availability and affordability is more acute¹⁰. Recent steep rises in new build and rental costs, and the decline in the building of social housing, only exacerbate the problem and increase the need.

Providing adequate affordable housing for local people to rent or buy is an acute and growing challenge. It is the responsibility of the District Plan to address the problem head-on. In the same way as the Council accepted the need via its Sites Allocation DPD to develop a far tougher policy (Plan policy SA39) to ensure the delivery of a higher level of homes of different categories for older residents to address the demographic of a locally ageing population, this District Plan Review provides an opportunity to focus on the specific housing needs of lower paid workers in the District and their immediate families.

MSDC's own evidence establishes that the current District Plan is failing to honour its social and legal duty to ensure delivery of sufficient affordable housing of any tenure to meet the district's needs:

"Although affordable homes are consistently being delivered in the District, the need for affordable homes is not met by existing or planned supply. There is a need for affordable housing in Mid Sussex where house prices are high compared to incomes." Draft District Plan Review page 16.

¹⁰ For a comprehensive analysis see: Rural Services Network: "Cultivating Rural Growth" (August 2021) <https://rsnonline.org.uk/images/publications/cultivating-rural-growth.pdf> and CPRE: "The State of Rural Affordable Housing in England; Unravelling a Crisis" (November 2023) https://www.cpre.org.uk/wp-content/uploads/2023/11/State-of-Rural-Affordable-Housing_online.pdf

“Since the beginning of the plan period in 2014/15, the proportion of affordable homes delivered equalled 19% of housing completions on all sites.” Strategic Housing Market Assessment Final Report para 3.19.¹¹

“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 District. The need identified in this report provides a starting point for settling policy which should be tested against the amount of affordable housing that can be provided. The evidence does however suggest that affordable housing delivery should be maximised where opportunities arise.” Strategic Housing Market Assessment Final Report para 7.64.

“The affordability issue is particularly prevalent in smaller settlements (category 2), where, on average, detached homes sold for between £675,000-£837,000 in 2021.” Urban Capacity Study Appendix 1, p55.

It may well be that the SHMA chapter 7 assessment of affordable housing needs under-estimates current and future levels of need. Their 2021 calculations are based on past experience of demand, But the metrics have changed significantly:

- the proportion of people who have abandoned (or never had) the aspiration to buy their own home, and now rent privately, has doubled from 10% to 20% over the last two decades;
- the number aged between 45 and 64 who do so has increased by 70% in the decade to 2021, according to the Economist (based on ONS derived data). As they retire and lose their earned income, rent affordability will become a significant issue for many of them.
- particularly over the last couple of years house prices and rents have escalated sharply (see the December 2023 Viability update for details) to a degree that is likely to push a greater proportion of Mid Sussex’s population into requiring housing support.
- Where local parishes have conducted their own affordable housing needs surveys, they have often identified residents in need of affordable housing who, for whatever reason, do not appear on your Council’s housing register.

So we question whether, in reality, the demand for affordable housing has been under-assessed in the Council’s planning and affordable homes policy development, and challenges MSDC to justify the SHMA’s conclusions that there is a current need of only 1,079 households (SHMA para 7.42) and, going forward, a net annual need for affordable and social rented accommodation of 470 homes.

In any event what is clear, and is admitted by the Council (draft Plan Review p.16), is that the current District Plan affordable housing policy is not working. It is not meeting the acute need for such housing, especially in rural parts of the District, where only two rural exception sites, yielding 38 affordable homes, have been developed over the last decade. It is not even delivering the District’s unambitious 30% target on sites above 10 dwellings.

Despite that, the Council is proposing in DPH8 to retain the 30% affordable home proportion, and to make only minor tweaks to its current affordable homes policy. That does not even follow the

¹¹ CPRESx acknowledges that this percentage does not allow for the fact that current Plan policy does not require affordable housing on sites delivering fewer than 11 dwellings.

advice of the Council's own SHMA report that ***"The evidence does however suggest that affordable housing delivery should be maximised where opportunities arise"***.

Para 10.37 of the Viability Study concludes that ***"all the greenfield sites are able to bear 30% affordable housing and at least £30,000/unit in developer contributions. £30,000/unit in developer contributions is substantially higher than the Council's estimate of future developer contributions so there is a high likelihood that such development would be deliverable, and the Council can be confident that it will be forthcoming. This comment applies to both the Significant Sites and the development represented by the typologies. To a large extent these results are as expected. The 30% affordable housing requirement is less than some of the neighbouring councils and Mid Sussex has not adopted CIL..."***.

The December 2023 Viability Update report states that ***"the average values of newbuild property have increased by over 20% and build costs by about 10% [over the last 18 months]. The Residual Value will have increased, indicating that viability will therefore have improved."*** (para 43).

After taking into account the high rise in land purchase and building costs, the Viability Update report still concludes at para 48 that ***"the Council can continue to have confidence in the 2022 LPVS and rely on it in the plan-making process."***

The viability study conclusion suggests that there is scope for the Plan Review's affordable homes policy to increase the proportion of affordable homes required as part of any development scheme application to meet the higher level of need. It is unfortunate that the Viability Assessment does not actually assess viability at alternative levels of provision.

It is CPRESx position that a significant increase in the overall level of affordable housing is required to make the Plan Review Affordable Homes policies justified and to ensure that the Plan is sufficiently aspirational and positively prepared (NPPF para 16).

Other Sussex planning authorities are being far more ambitious: for example:

- Horsham DC, with a comparable demographic to Mid Sussex, is proposing up to 45% affordable homes in the Plan Review reg 19 draft policy 39 (depending on location); It is also proposing a 40% discount on First Homes.
- Lewes DC (at reg 18 stage) and Crawley BC (at reg 19 stage) both propose 40%;
- So does Brighton & Hove in its 2016 Plan on sites delivering 15+ homes (with a sliding scale below that);
- The South Downs NP Plan requires 50% affordable homes on sites exceeding 10 dwellings, reflecting high rural need, as is also the case within the High Weald AONB;

We consider that the proposal (DPH8 para 7 and DPH12 para 5) to require that only 4% of affordable homes need to be wheelchair accessible is not supported by the evidence which suggests that the minimum percentage should be up to 12% - see SHMA para 8.72. MSDC's past experience may not be reliable - wheelchair need will surely grow based on the demographics showing an increasing aged local population.

To ensure sound affordable housing policies, we call on MSDC to

- increase its requirement in paras 1 -3 of DPH8 from 30% to the maximum level or levels that are viable according to the type and size of the site, with the aim of achieving an at least

50% affordable homes requirement in those parts of the District where the shortage is, or is predicted to be, most acute; and a minimum of 40% on any site delivering 10+ net new homes, with tapered requirements on smaller sites. Consequential amendments will be required elsewhere, including re commutation payments enabling off-site delivery where other policies so require;

- increase the minimum percentage of wheelchair accessible affordable homes in policies DPH 8 and DPH12 from 4% to a percentage that better reflects the evidence of future need for both disabled and aging residents;
- follow the lead of Horsham DC by increasing the minimum discount required in respect of First Homes to 40% by changing “30%” to “40%” in para 2 of policy DPH9;
- clarify that commutation payments received can be used either directly towards the cost of building new affordable or social housing that would not otherwise be built, or to help finance the purchase of land for rural exception and first homes’ sites where the relevant policies would support affordable homes developments there, and not purely in situations where the Council itself wishes to develop its own housing;
- make clear within the Plan that MSDC will be proactive in promoting the development of rural exception and first homes’ sites, including by assisting affordable homes Community Land Trust and Registered Provider developers in securing grant funding from Homes England and elsewhere to assist in the delivery of affordable homes that meet local needs. This would demonstrate compliance with NPPF para 121;
- clarify within the supporting text for DPH8 that the Council’s existing Affordable Homes SPD will continue in effect. Otherwise it will expire when the Plan Review is adopted given that para 1.8 of the SPD indicates that it only relates to current Plan policies DP31 and DP32 without reference to any replacement for those policies.

We should record our gratitude to the Council for its acceptance within policy DPH8 of our previous suggestion for tightening up the requirement for on-site integrated delivery of affordable housing.

15. Sustainable Communities

DPSC GEN: Significant Site Requirements

1. **The Sustainability Appraisal assessment of housing policies:** We have a number of material issues with the Sustainability Appraisal (SA) of the housing policies in chapters 14 – 16 of the draft Plan Review on which your Council relies:
 - (i) We challenge the SA's reliance on its assumption (p.38) that an increase of 100 dwellings or more would necessarily be likely to have a major positive impact on the local housing provision. As a statement of fact, a large development must get one closer to achieving one's housing target. But as a metric for assessing sustainability of its impact, to assume in all cases a major positive outcome in advance is pejorative. It assumes the answer that the SA is there to assess, and ignores the implications of the development: It isn't a positive impact for society if the large housing increase produces an unsustainable community outcome. Each case needs to be assessed separately.
 - (ii) Whilst it is true that negative biodiversity/geodiversity impacts would be expected where the following ecological designations may be harmed or lost because of proposals (p45), it does not follow that negative impacts will not result from development on undesignated land, or that undesignated sites will be necessarily be more sustainable. The SA makes an unjustified assumption, particularly in its assessment of sites DPSC 1- DPSC7.
 - (iii) The impacts of development proposals on the natural capital assets and resources of allocated sites, and the potential loss of their economic value, is not part of the sustainability assessment. That is a material omission in respect of significant sites. It has the consequence of overstating the economic benefits of those options that involve rural development.
 - (iv) We challenge a number of the features of the analysis of sustainability of Option 2 listed on pages A16 - A22 of the SA.

The SA is unjustly skewed in favour of the sustainability of Plan Review housing policies as a result of these material shortcomings.

2. **The SA is insufficient evidence to justify significant site allocations:** Irrespective of the suitability of the SA, we consider it unsound for the Council to allocate significant sites without more substantive evidence that, when planning applications for the sites are submitted, there will not be ecological or other showstoppers to the proposed developments or inappropriate pressures on the Council to override what should be showstoppers.

We note for example that the SA points out that its conclusions are reached without the benefit of any ecological study that might or might not have influenced its sustainability assessment or recommendations; and that there is no confirmation that the areas' already highly stretched water resources and supply infrastructure will be sufficient to serve the new proposed communities as well as existing populations.

The consequence of having to reject a planning application in respect of any of the significant sites would be devastating for the spatial strategy on which the Plan Review depends. We do not consider that any of the proposed significant site allocations are safe in the absence of key evidence as to the actual deliverability of the sites.

3. **The principle of sustainable 20 minute neighbourhoods:** CPRESx is fully supportive of the principle of creating sustainable 20 minute communities. However, it is only possible to build a successful community of that kind in an urban environment that provides the density of development that is essential to creating an on-site population level needed to underpin the economics of successful, long term infrastructure, retail, community and sustainable transport facilities.

CPRESx accepts the argument that the allocations DPSC1 or DPSC2 can be viewed as urban extensions to Burgess Hill and Crawley respectively; so does not seek to challenge the principle of those significant site allocations, subject to the reservations expressed in this section and to appropriate development safeguarding conditions.

We take a different position vis a vis the proposed allocations DPSC3 – DPSC7. The keystone holding up the arch of the Council’s proposals for Sayers Common is that the 5 separate proposed allocations in Sayers Common and Albourne will, on development, constitute a single sustainable, 20 minute neighbourhood. The soundness of policies DPSC3 – DPSC7 depends fundamentally on that claim being robustly evidencable, and on the five sites all being developed as a coherent whole.

CPRE, nation-wide, knows of not a single successful 20 minute neighbourhood developed in a rural setting and with low density housing. We have however documented attempts to do so, all of which have failed to deliver on their ambitions.¹²

MSDC can no more turn these Sayers Common/Albourne sites into a sustainable 20 minute neighbourhood than an alchemist could turn base metal into gold. It cannot be done. It is wishful thinking, not sound planning. There is no evidence of deliverability of their fundamental self-sustainability purpose.

CPRESx would take the same negative view of the non-sustainability of the so-called Cuckstye site between Ansty and Cuckfield that was once mooted for allocation and is currently the subject of a planning application (DM/23/2866 and 2287) by its would-be developers. We fully support the Council’s decision not to propose that site for allocation, and for the same non-sustainability reasons as we oppose the Sayers Common/Albourne sites.

DPSC 3 – DPSC7 Sites in Sayers Common and Albourne

1. **The Sayers Common sites proposed for allocation via policies DPSC3 – DPSC7 cannot be made into sustainable communities, either individually or collectively. They are incompatible with NPPF para 78 which mandates that: “In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.”**

Accordingly these policies are unsound, not being either justified or consistent with national policy. They cannot even be reconciled with the vision and objectives in chapters 3 and 5 of the proposed Plan.

¹² <https://www.transportfornewhomes.org.uk/the-project/garden-villages-and-garden-towns/>

2. **The significance of multiple allocations:** The Plan proposes 2,543 homes being built on 5 separate allocation sites, each to be separately developed by different developers. The Council's case on sustainability, however, appears to depend on all being developed as if – contrary to the facts - they were a single development unit. But, as far as we are aware, there is not even a master plan, agreed by all would-be developers, for the overall development of the separate sites as a unified whole.

The soundness of each of policies DPSC3 to DPSC7 requires assessment individually and on its own merits. If one or more of these 5 allocations were found not to be sound, or if one or more of them were not actually developed as the Plan envisages, then the sustainability case, such as it is, that the Council puts forward to justify these allocations necessarily falls away.

Given the Council's experience of dealing with the separate objectives of the would-be developers of different parcels of what has become the Northern Arc/Brookleigh site, we are very surprised that they are now proposing to repeat that experience by bringing forward these allocations as separate sites in the way that they have. The Council's own recent experience indicates that there has to be a significant chance that not all these sites will be developed or that, if they are it would not be as an integrated whole.

It is our case that these are high risk allocations that afford a material risk of non-deliverability of some or all of the housing that the allocations envisage. If that were to happen, the Council's own attempted justification of a 20 minute community for Sayers Common and its sites' sustainability case would collapse.

That said, CPRESx would not in principle oppose allocation of small individual sites that could be demonstrated to be responsive to local circumstances and needs of Sayers Common and Albourne as existing individual communities.

3. **The allocations are surplus to need:** For the reasons explained in our response above to policy DPH1 we consider that these allocations are not collectively required to satisfy the requirement for a positively prepared plan to satisfy the District's housing needs over the Plan period.
4. **Are these sustainable and sound allocations?** It is fundamental to the Council's case for these 5 proposed allocations, and fundamental to these Policies' soundness for the purposes of NPPF para 35, that it can be evidenced that
 - They are sustainably located, and
 - They can be developed into a single self-sustaining 20 minute neighbourhood; and
 - They are consistent with the Council's vision and objectives for this updated Plan.

We will explain in the following paragraphs why we believe that these allocations fail these pre-requisites to soundness.

5. **Policies DPSC3 – DPSC 7 do not support national policy on new rural housing:** The large majority of the site allocations are in Albourne parish, not Sayers Common, which is a separate village. All are greenfield sites. Albourne parish has a population of 715 residents. Sayers Common (part of the parish of Hurstpierpoint & Sayers Common) has about 850. Both villages are category 3 settlements, meaning that they already provide essential services for their own residents and immediately surrounding communities, often shared with neighbouring settlements. Both Sayers Common and Albourne have their own village halls. Their schooling needs are already met.

Paragraphs 78 and 79 of the NPPF support new rural housing that is located where it would help promote the vitality of rural villages like Albourne and Sayers Common, and help smaller villages to support each other. CPRESx supports that national policy aim. What is proposed collectively in policies DPSC3 – DPSC7 however has nothing to do with that aim. The establishment of a new wholly greenfield 120ha settlement of 6,000 new residents will swamp and utterly change both existing village communities, quadrupling their combined current population.

6. **The new settlement would be isolated and not an urban extension of Burgess Hill:** Both villages lie on the western side of the main A23 trunk road connecting Brighton to the M23 and London. They are on the opposite side of the A23 from Burgess Hill. As the crow flies, the Sayers Common village is 5km from the centre of Burgess Hill, and Albourne Village is a further kilometre distant. The allocated sites, being to the west and south of the two village centres, are further still from Burgess Hill town centre and its train station. The far point of site DPSC3 near High Cross is nearly 2km from Sayers Common village, hence 7km from Burgess Hill – again as the crow flies.

The roads don't run as the crow flies, and involve longer, diversionary journeys to cross the A23 and into the centre of town. There are no direct cycle routes either, and those that exist involve cycling for some distances on narrow, unlit roads and crossing the A273 as well as the A23.

With these distances, and with the interposition of the A23, these housing allocations cannot be argued to be urban extensions of Burgess Hill. No resident in any of the DPSC3 – DPSC7 sites will be within acceptable walking distance of a supermarket or other range of shops, a train station, a GP, a dentist, a cinema or a leisure centre. The sustainability of these sites has to be assessed on their own facts and merits, and not as part of the Council's prudent policy of developing extensions around the District's main urban communities and their facilities.

7. **A Preferred option is not necessarily a sustainable option:** It is clear from the Council's Site Selections Conclusion paper that Sayers Common/Albourne has been chosen to host over 2,500 new dwellings only because it is deemed to be a better option than the Lindfield and Ansty alternatives, without serious consideration as to whether it is a sustainable location to do so. It is not clear whether the Site Selections Conclusion paper is addressing the 5 sites together or just the DPSC3 site. However, it is plain that the Council has determined to dump here the excessive housing it claims that the District needs without proper consideration of its sustainability implications, and without adequate analysis of other alternative strategies.
8. **The SA assessment does not provide evidence to support the proposed allocations in policies DPSC3 – DPSC7:** The Sustainability Appraisal (SA) leads us to the same conclusion that the fact that one site represents a preferable option does not necessarily make it a sustainable option. Even allowing for the fact that the SA skews its conclusions in favour of significant sites being sustainable (see our comments re policy DPSC Gen) the SA evidence challenges the sustainability of the significant sites.

It is vital to note that, as regards its analysis of policies DPSC3 – DPSC7 the SA does not actually consider as an option the significant site development strategy that the Plan Review proposes: Options 1, 4 and 5 involve different strategies. Option 2 is described as *“Growth to support the sustainability potential of existing smaller settlements, with limited growth in protected landscapes. This spatial Option seeks to support growth in settlements with existing facilities, such as retail opportunities, schools, and health care. While recognising that urban extensions of a strategic size*

bring opportunities to support the development of new facilities.”, and option 3 as “Creating a new sustainable settlement with associated facilities” (SA p.A-5).

Option 2 assumes (a) sustainable access to an urban centre and (b) that existing settlements already have significant facilities such as retail opportunities, schools, and health care facilities within them, which neither Sayers Common nor Albourne has. Option 3 is dismissed as undeliverable for want of an available site. The SA analysis of neither option therefore reliably reflects the proposed strategy of seeking to create a 20 minute neighbourhood through the allocation of rural sites DPSC3 – DPSC7. Whilst the SA option 2 feasibility conclusions on page A-8 may have relevance to policies DPSC1 and DPSC2 (though it appears to underestimate their size), it does not provide evidence to support these proposed DPSC3 – DPSC7 allocations.

Indeed the SA flags up significant sustainability objections to them. For example:

“Development of previously undeveloped land and greenfield sites is not considered to be an efficient use of land [contrary to NPPF para 119]. Development of an existing brownfield site would be expected to contribute positively to safeguarding greenfield land in Mid Sussex, and therefore, have a minor positive impact on this objective. Development proposals situated wholly or partially on previously undeveloped land would be expected to pose a threat to soil within the site perimeter due to excavation, compaction, erosion and an increased risk of pollution and contamination during construction. In addition, development proposals which would result in the loss of greenfield land would be expected to contribute towards a cumulative loss of ecological habitat. This would be expected to lead to greater levels of habitat fragmentation and isolation for the local ecological network restricting the ability of ecological receptors to adapt to the effects of climate change. The loss of greenfield land has therefore been considered to have an adverse effect under this objective.” (SA p.43)

“It is assumed that construction and occupation of previously undeveloped greenfield land would result in a net reduction in vegetation cover in the Plan area. This would also be expected to lead to greater levels of fragmentation and isolation for the wider ecological network, such as due to the loss of stepping-stones and corridors. This will restrict the ability of ecological receptors to adapt to the effects of climate change. The loss of greenfield land is considered under the Natural Resources objective (SA Objective 6) in this assessment. It should be noted that no detailed ecological surveys have been completed ... to inform the assessments made in this report.” (SA p.45)

“Urbanisation of the Countryside / Coalescence: Development proposals which are considered to increase the risk of future development spreading further into the wider landscape would be expected to have a minor negative impact on the landscape objective. Development proposals which are considered to reduce the separation between existing settlements and increase the risk of the coalescence of settlements would be expected to have a potential minor negative impact on the landscape objective.” (SA p.48)

As already flagged elsewhere we also challenge the SA’s assumption that no negative biodiversity/geodiversity impacts would be expected on ecologically undesignated sites, or that undesignated sites will be necessarily be more sustainable.

9. **A sustainable 20 minute community cannot be created on these sites collectively or individually:** The Council’s case for the sustainability, and hence the soundness, of policies DPSC3 – DPSC7 hangs or falls on their own case that the housing built on these sites will collectively be capable,

with appropriate planning, of becoming self-sufficient 20 minute communities that do not depend for residents' everyday lives on private car use to access facilities and employment elsewhere. CPRESx says that there is no robust evidence that demonstrates the deliverability of the Council's ambitions through these allocations. And what matters is not the aspiration, but the delivered reality.

The Council has defined what it means by a 20 minute neighbourhood as follows (Plan p.18): *"The 20-minute neighbourhood concept is about creating attractive, interesting, safe, inclusive, walkable environments in which people of all ages and levels of fitness are happy to travel actively for short distances from home to services and destinations they need to support their day to day lives; these include shopping, school, green spaces and more. One of the core principles is to ensure places are accessible by everyone on foot, wheeling, by cycle, by public transport and without having to use a car."* Elsewhere (p.17) it is described as *"a place in which most people's daily needs can be met within a short walk or cycle"*.

CPRESx fully supports the principle of 20 minute neighbourhoods, which can work well in appropriate locations. But all our experience, and all our research as an organisation, shows that they only work in an urban environment where density of housing is sufficient to create a local resident population large enough to generate economic conditions that allow on-site businesses – shops, pubs, health and social facilities, etc, to operate profitably. Even when the 2,500 proposed new homes are all built - which the Plan accepts will not be until after the end of the Plan period in 2039 – the 6,000 new residents cannot be expected to generate sufficient wealth to create a vibrant on-site community hub, even with the added Albourne and Sayers Common population. It would just not be a large enough or dense enough community to work.

The 5 sites are an amorphous assemblage of separate proffered sites. They simply do not form a coherent whole amenable to a central hub or the creation of a budding attractive community neighbourhood. The sites are spread out and angular, more resembling a giant hopscotch court than anything else. The far point of site DPSC3 is nearly 1.8km in a straight line from the junction between Reeds Lane and London Road, for example. The far point of site DPSC7 would be no nearer to any selected central point.

The impossibility of creating a new rurally based neighbourhood is all the greater when one is trying to start from scratch. It is likely to take 7 – 10 years to complete a development – or, in this case, a series of developments – of this scale during which the viability of any local business or community facility would be even more challenged and early residents would have formed a pattern of car-dependent behaviour of meeting their needs elsewhere.

We accept that, if the sites were developed, an all through school and full-day nursery care facility would be essential. However the only other public on-site facilities proposed in the draft Plan for what your Council claims will be a self-sustaining community are open spaces in various guises, undefined community facilities and a self-service library. No on-site surgery or other health services are proposed or would be likely to be deliverable (which is presumably why the Plan Review seeks financial provision for their delivery elsewhere).

Your Council's claim in its Sites Selection Conclusions paper that the allocations are justified in part because of the sustainability benefits to the existing Sayers Common/Albourne communities does not survive analysis. The additional facilities, such as it is suggested that they will be, offer no more than minimal benefit to existing residents of either village. They already have schooling provision,

of course, and both villages already have village community halls. It is clear from the high level of local opposition that the communities' residents consider that the tsunami of 6,000 extra people will swallow up and destroy their communities rather than benefit them and enhance their sustainability as the Council naively asserts.

This minimal public facilities offer goes nowhere near providing the foundations for a self-sufficient, sustainable community at Sayers Common that could be called a 20 minute neighbourhood. It doesn't even go anywhere near to meeting your Council's own definition of what constitutes one.

Moreover, there has been no attempt to secure support from the residents of the two villages directly and hugely impacted by the proposed allocations for the claimed benefits of creating the new community in which they would be expected to participate. As the Town and County Planning Association's 'Guide to 20-minute Neighbourhoods' (March 2021) points out, it is key to the successful establishment of any new community neighbourhood that local people should become involved, and want to be involved, in the project. One cannot expect to create a successful new neighbourhood community by imposition rather than collaboration. Your Council's approach has only served to coalesce strong opposition.

10. **Where will the jobs be?** There is no robust evidence that the developments will be self-sustaining in terms of offering sufficient suitable jobs for the residents within, or in the close proximity to, the sites. It is likely that many residents will have or find employment in Brighton or in the Crawley/Gatwick/Horsham areas, and will prefer the ready accessibility of the A23 to get to and from their daily work rather than the use the far less convenient train from Burgess Hill station or other public transport.
11. **Car dependency, the antithesis of sustainability, is inevitable:** There is no transport sustainability evidence to support these allocations despite the Council's acceptance that this is key to the sustainability of the 20 minute neighbourhood that it aims to create here. We would be deeply sceptical as to the deliverability of sustainable transport proposals to make a material shift in people's behaviour in relation to these sites.

CPRE collaborated in 2020 with the organisation Transport for New Homes in the publication of an analysis of the delivered reality of 20 garden villages and towns across England. The conclusion of this report – Garden Villages and Towns: Vision and Reality¹³ - was that the promised vision of self-sustaining was not achieved in a single one of those communities. All of them ended up being car-dependent, and unsuitable for residents who could not, or would not, drive. Incentives to divert residents onto sustainable travel alternatives had very limited success.

The rural location of these allocations makes car dependency inevitable. Car dependency is the death of isolated sustainable communities. The close proximity of the A23, and the new A2300 into Burgess Hill will inevitably prove to be ready lures to those wanting access to facilities not available on site, or travelling for work away from the site. There has been no transport study providing robust evidence that sustainable transport methods via a mobility hub will have anything more than minimal impact. We note from your Council's own sustainability appraisal that, in the

¹³ <https://www.transportfornewhomes.org.uk/the-project/garden-villages-and-garden-towns/> (op cit)

case of the rejected Ansty site – where a Transport Study has been provided and studied – that it fails in that case to demonstrate that a substantial reduction in private car use can be achieved (in fact it claimed no more than a 5% diversion onto sustainable travel modes after 5 years)).

Distance precludes walking to and from Burgess Hill’s facilities, or even the much more limited ones in Hurstpierpoint, as a sustainable option. There is no evidence put forward to give credence to a case that sustainable travel options will make a significant dent in regular private car use from the sites. Our evidence is that the delivered reality is that car dependency is never reduced in supposedly sustainable rural communities.

12. **Insufficient evidence exists as to the ecological and climate change implications:** We have called in our response above re policy DPSC Gen for more evidence of the ecological and natural resource impacts of significant site allocations before any of them are demonstrably suitable for allocation. There is no robust evidence presented that the creation of a low density 2,543 dwelling development in this rural setting of high biodiversity value (see Natural England’s Low Weald NCA study referred to our response to policy DPC1) will end up providing environmental benefits or required levels of biodiversity gains as compared to the habitat, wildlife, natural capital resource and other ecological losses inherent in its building and subsequent existence on what is now open countryside.

The natural conservation work of the Sayers Common Woodland, Flora and Fauna Group, and other conservationists – encouraged by your Council for over 20 years – to reverse the area’s declining barn owl, dormouse and bat populations will all be undone and their efforts wasted. Your proposals will threaten biodiversity via the fragmentation and erosion of habitats across the sites and the wider ecological network- a threat which the NPPF seeks to avoid and which the SA highlights as a challenge arising from the Plan’s housing growth ambitions.

Nor is there any analysis or explanation of how these proposals will be compatible with the Council’s net zero climate change policy and the NPPF para 152 instruction to “*shape places in ways that contribute to radical reductions in greenhouse gas emissions*”. The loss of greenhouse gas absorbing countryside, the inevitable car dependency, and inbuilt climate change costs of a major building project would all be significant. This is an example of the point we make re policy DPS1 that your Council, through its planning powers, has the ability significantly to influence the progress towards net zero.

We do not accept that it is obvious – or even likely - that biodiversity gain and climate change goals will be achieved. The absence of robust evidence and material uncertainty on these crucial habitat, biodiversity and climate change measurement criteria significantly further undermines the credibility of the proposed allocations as sustainable sites.

13. **Conclusion: The Council has produced no robust evidence that these 5 proposed allocations can deliver a sustainable settlement consistent with the draft Plan’s stated vision to deliver “a thriving, attractive and resilient District, which is a highly sustainable and desirable place to live, work and visit.”. CPRESx’s evidence is that it cannot be achieved. Policies DPSC3 – DPSC7 are not justified or effective.**

DPA : Smaller Sites Allocations

Given that the Council has only provided the minimum consultation period permitted by law, we have not had the time to consider the merits of these proposed individual smaller site allocations.

So the only comment that we wish to make beyond the comments we have made above re sustainability and housing is to urge your council to maximise the proportion of affordable housing required on those sites allocated for the purpose within and close to the High Weald AONB, where the need is greatest. Our response to Policy DPH8 amplifies this.

17. Infrastructure

DPI7: Water and Wastewater Infrastructure

1. **We suggest that it would be prudent to explicitly consider the use of ‘Grampian conditions’ to ensure that water and/or wastewater infrastructure is sufficiently upgraded to meet the demands of new development.** This could be signalled in policy DPI7 by adding the words ***“including, where appropriate, offsite works to be completed prior to development commencing.”*** at the end of the paragraph that reads: *“Planning conditions and/or obligations will be used to secure necessary infrastructure provision”*.
2. **Storm overflows:** In policy DPI7, insert at the end of the third paragraph (beginning “ Development should connect”) the following additional sentence:

“In the case of major development, it must be demonstrated within the application that foul water outflow from that development will not cause an increase in the frequency or level of required wastewater storm overflow releases into waterways beyond the applicable overflow limitation target set by Ofwat from time to time pursuant to the Environment Act 2021.”

The purpose of this sentence is to ensure that the sewerage infrastructure can cope with a new major development scheme without exacerbating the widespread problem of excessive sewerage outflows into rivers and seas, thereby causing regulatory breaches of the storm overflow regulations. This will ensure that DPI7 is justified and effective, and consistent with national policy.

Please also see our comments on policy DPN6 above re water quality and pollution.

18. Implementation and Monitoring

1. We have commented elsewhere about the need to expand the monitoring requirements in order to measure the effectiveness of the updated Plan's policies in meeting Plan targets to achieve net zero and to reduce all forms of pollution. There have to be clear measurement metrics, regular monitoring of performance against those measurements, and (if necessary) a willingness on the part of the Council to upgrade its policies or its application of them for the Plan to work and be effective. We fear that, as the Plan proposals now stand, the first of those requirements is missing.
2. We urge the Council to commit within the Plan Review a commitment to publish its annual monitoring reports on a timely basis. We see no reason why it should take longer than, say, 6 months to publish. We have complained before that MSDC's monitoring reports take 10 – 12 months to appear on their website. The problem persists: at the time of writing this, MSDC's Monitoring Report for the year ended March 2023 has still not been published. Everyone seeking to contribute to this Plan consultation is working off two year old data. This is damaging to the Council's duties of transparency, accountability and ability to maintain an effectively delivering Plan. The Plan cannot be either positively prepared or sound if it is based on out of date data.

Overall Conclusion

Our overall conclusion on this proposed District Plan Review, and the message that we will be giving to our CPRE Sussex membership is this:

The Plan carries the power of endorsement from all but one of the voting Councillors of all political persuasions represented on the Council.

But does that make it the right Plan? It has certainly been improved and become greener since its predecessor version on which the Council consulted in late 2022. We are grateful to see that our pleas for tougher new home energy standards have been recognised, for example. The Plan contains other needed and welcome green policies (though why is there no water pollution policy or target for increasing the delivery of rooftop solar panels?).

Overall, though, we are disappointed that the Council's Plan is not more ambitious, and that we residents have been almost entirely shut out of the process of developing it in a way that works best for the long-term future of the District that we all cherish.

We are disappointed that the Council has been too timid in its approach to setting its housing target: the Plan seeks to deliver far more houses than the Council itself believes are needed, and is therefore lining up future greenfield housing sites for allocation that are neither required nor sustainable. Other Sussex councils are taking a more proactive approach to marrying their housing target to their real local need.

It is wishful thinking on the Council's part to believe that they can deliver a self-sustaining 20 minute community via a set of miscellaneous separate greenfield allocations at Sayers Common. If it isn't sustainable, don't develop it. And if only the Plan set a realistic housing target, they wouldn't need to.

We are disappointed that the Council does not propose a much more ambitious affordable homes policy. The country faces a housing crisis. That crisis is primarily a crisis of affordability rather than of number. The affordability crisis will never be solved simply by building more market housing. More and more people have abandoned the aspiration of owning their own home. We believe that Mid Sussex DC has the headroom to deliver far more affordable houses and first homes than it is aiming for, and that this should be a key Plan priority. Again, other Sussex councils have more ambitious plans than this Council.

It is shocking, too, that the Council does not propose allocating a single brownfield site whilst the largest single brownfield site in Mid Sussex, the Martlets Centre in Burgess Hill continues to sit there, a blight on the town.

The Plan's focus on pushing so much of the required new housing into the Low Weald has highlighted for us the need for the Plan to include a policy spelling out how the balance is to be managed between its conservation as a rural jewel in the area's countryside crown and the limited development that the Downland villages need to maintain their vitality as individual communities. It is paradoxical that the High Weald, already protected from overdevelopment by law, is also the subject of a detailed Plan policy whilst the Low Weald, being undesignated from an environmental standpoint, has no protective policy. We want the Plan to fill that gap.

Our submission to the Council includes a number of more minor suggestions that we argue will strengthen the Plan’s soundness, all of which we believe to be uncontroversial to anyone with an open mind. The Appendix lists those requested minor changes.

National planning policy expects local planning authorities to develop their strategic plans on a basis that is *“shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations”* etc. That is not the way in which this draft Plan has reached this final stage. Comments from us and others now are, in effect, objections to a Plan that is already settled in the Council’s mind, not (as we would wish) ideas to shape it. Its strategy and policies have been devised behind closed doors. That is not how it should be, and it is not what more proactive planning authorities do.

This is a weaker Plan in its current form because it has missed out on the input of those of us who live and work here and have ideas to make the Plan work for our communities. The people affected by this Plan ought to feel that they own the Plan and that they want to help make its policies work. Instead they face a plan that is being imposed upon them. It did not need to be this way.

CPRE Sussex, the Sussex countryside charity

www.cpresussex.org.uk

Addendum – Minor changes to the Plan requested by CPRESx

<u>Policy to be amended</u>	<u>CPRESx submission page Ref</u>
Table, p33	p.3, para 2
DPS1, para 5	p.5, para 6
DPS3	p.6
DPS6 para 8	p.6
DPN4	pp.7 - 8, paras 1 - 4
DPN6	p.8, para 1
DPN7	p.9. para 3
DPN9	p.9, para 4
DPC1	p.10, para1
DPC4	pp 12 – 13
DPH3	p.16
DPI7	p.30