Memorandum from CPRE Sussex (Representee No: 1189028) re question 16 raised by the Inspector for Stage 1 of the public examination of Mid Sussex DC's District Plan 2021 - 2039.

Q16. *Does the Plan include all relevant strategic policies to address the Council's priorities and adequately set out an overall strategy for development as required by paragraphs 20-23 of the National Planning Policy Framework (the Framework)? Specifically, please set out how each of the individual categories set out within criteria 20 a) to 20 d) are justified by up to date and proportionate evidence and, where this has been supplied by developers, the extent to which it should be relied upon?*

1. CPRE Sussex made a detailed representation drawing MSDC's attention to the need to include a policy setting out a land use strategy for that part of the Low Weald that lies within the Plan area in order for the Plan to be sound.

2. Such a policy is required in order to secure conformity of the Plan with

   (i) section 19(1B) of the Planning & Compulsory Purchase Act 2004 which provides:

   "*Each local planning authority must identify the strategic priorities for the development and use of land in the authority's area.*" and

   (ii) para 20(d) of the NPPF (September 2023 version), which provides

   "*Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision [In line with the presumption in favour of sustainable development] for …..*
   d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation."

3. We would also argue that, in relation to the Low Weald, the Council has failed to identify, map and safeguard areas of the Low Weald that particularly merit biodiversity and geodiversity conservation so that a strategy can be developed for their protection and enhancement, and so that they can be safeguarded from development. This is a requirement of NPPF para 179.

4. The failure to undertake the exercise is a particularly significant omission given the number of proposed development allocations within the High Weald. These allocations are being proposed in a vacuum of knowledge and evidence as to what areas need prioritising for their ecological, biodiversity and/or geodiversity value in their wider landscape context[1]. For instance, the Plan makes no allowance for the safeguarding and protection of land that would promote wildlife connectivity via the Natural England-supported nationally significant nature restoration project, Weald to Waves, (https://www.wealdtowaves.co.uk/), nor the restoration of Worth Forest as a coherent whole.

[1] The authors of the Sustainability Appraisal that no detailed ecological surveys have been completed as part of their Plan sustainability appraisal.

5. That there are areas of the Low Weald that need such conservation and enhancement is made plain in Natural England's Low Weald Landscape Character Area (NCA) profile 121 (https://publications.naturalengland.org.uk/publication/12332031). This required mapping exercise is an essential evidential component in preparing the Low Weald policy that we believe to be necessary in order to make the draft Plan sound.

6. We invite the Inspector to read our Regulation 19 representation on this issue under the countryside policy DPC1. For ease of reference this is reproduced in the Appendix below.

7. The development of a Low Weald policy is idealy something that should be developed in co-operation with Horsham DC and other neighbouring Districts so that it is addressed as a holistic whole. However, recognising that may require a longer timescale, that should not be an excuse for Mid Sussex DC not to create its own interim policy ahead of making significant development allocations there.

8. The absence of any land use policy or strategy for the Low Weald is itself inconsistent with national policy requirements (see paras 2 and 3 above). It is a material breach because it has a direct bearing on the soundness of the draft Plan's spatial strategy and housing target policies given the inappropriate level of development proposed within the area. We are submitting separate memoranda on those aspects in relation to questions 33 – 43 and 59.

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30 September 2024

Appendix: Extract from CPRE Sussexs's regulation 19 representation re policy DPC1.

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, significant[7]. 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 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

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[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*

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.

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).

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[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.*

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.

3. **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.