

Representation by CPRE Sussex, the Sussex countryside charity

Re

Proposed Main Modification MM88: Land west of Truggers, Handcross (Site ref:181)

Proposed Main Modification MM89: Land at Pease Field, Pease Pottage (Site ref: 1188) and

**Proposed Main Modification MM90: Land to the west of Woodhouse Farm, Old Brighton Road
South, Pease Pottage (Site ref: 603)**

2nd September 2026

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1. MSDC's modification proposal

- 1.1 Inspector Bore has asked Mid Sussex District Council (**MSDC**) to explore whether it can find sustainable sites for allocation within its new District Plan to increase the draft Plan's contribution to the alleviation of the unmet needs of neighbouring authorities in Crawley, and Brighton & Hove and other South Coast Authorities. MSDC's aim, if achievable, would be for the new District Plan to increase its proposed housing target to include 3,753 dwellings to meet 50% of Crawley's shortfall, and 1,075 towards Brighton's larger shortfall.
- 1.2 In response to the Inspector's request, MSDC's proposed modified Plan would set a housing requirement of 24,071 dwellings - an average of 1,267dpa over the whole plan period, and an increase of 3,455 over the housing requirement proposed in the draft Plan as submitted for examination. This increase would be delivered via the allocation of 35 additional sites for 3,860 dwellings, predominantly in the southern half of the District. This includes 9 sites inside the High Weald to yield 1,169 homes, three of which would involve major development cumulatively yielding 1,001 dwellings.
- 1.3 Please note that references in this submission to the National Planning Policy Framework (**NPPF**) are to the September 2023 version, except where the text states otherwise, since this is the version by reference to which the soundness of MSDC's draft new District Plan is being assessed.

2. CPRESx's submission summary

- 2.1 This submission by the Sussex Branch of the Campaign to Protect Rural England (**CPRESx**) argues that
- allocation of three major sites in Slaugham Parish within the High Weald National Landscape (**HWNL**) on
 - Land west of Truggers, Handcross (Site ref:181) MM88
 - Land at Pease Field, Pease Pottage (Site ref: 1188) MM89, and
 - Land to the west of Woodhouse Farm, Old Brighton Road South, Pease Pottage (Site ref: 603). MM90
- (together the "**Slaugham sites**") for a total of 1,001 new homes would be unsound as none of these sites could deliver housing development that is sustainable and is compliant with the statutory obligation that requires MSDC "*to seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty¹*", nor with national policy (NPPF paras 189-190) or District Plan (DP16) policy, both of which expect development within a national landscape to be limited in scale and extent;
- The Inspector's ambition to secure for Mid Sussex a new District Plan that not only meets the District's assessed housing need in full, but would exceed that need by imposing a significant additional housing requirement of up to 4,828 extra houses in order to contribute to the unmet needs of both Crawley Borough and Brighton & Hove City Council is unachievable as policy-compliant, sustainable development; that target should be reduced by 1,001 (53 dpa) to reflect in full the removal of all the Slaugham sites from the proposed list of additional sites for allocation

¹ Countryside and Rights of Way Act 2000, section 85A as introduced by the Levelling Up and Regeneration Act 2023, s.245.

given that MSDC has not identified in its sites' long list other alternative more sustainable locations; and

- The withdrawal of MM88 – MM90 would result in the Plan setting a housing target of no more than 23,070 homes over the Plan life, an average of 1,214 p.a, rather than the 1,267 proposed by MSDC. This Plan would still deliver the promise of over 3,000 new homes to alleviate its neighbours housing shortfalls.

3. The Slaugham sites and their significance

3.1 Handcross and Pease Pottage are two historic Mid Sussex villages within the parish of Slaugham. Both villages lie wholly within the HWNL. They were originally carved out of St Leonards Forest and populated principally by forest and iron workers, and by rabbit farmers. Pease Pottage may well have been a stop off for travellers between Brighton and London where pease pudding was served to them in a local hostelry. The M23 becomes the A23 at Pease Pottage and continues as the A23 through Handcross two miles to the south. In terms of the current Mid Sussex District Plan both villages are category 3 communities offering limited local facilities insufficient for normal daily life and needs. They are all well beyond a walking distance to a main railway station.

3.2 It is crucial to take into account the fact that this single parish has already faced the reality or the imminent prospect of a very great deal of development within its corner of the HWNL. It is the cumulative impact of all recent and potential development on the two villages and on the HWNL itself that needs to be assessed. Other larger sites in Slaugham parish where development in the last decade has occurred or is committed or expected within the HWNL include:

Pease Pottage:

- 619 homes and a 48 bed hospice – Woodgate - on a 45ha farmland site east of Brighton Road, Pease Pottage (District Plan policy DP10; MSDC planning application ref: DM/15/4711)
- 2.3ha of land at Cedars, Brighton Road, Pease Pottage allocated for employment land use in the Site Allocations DPD policy SA7;
- 1ha of land at Pease Pottage Nurseries, Brighton Road, Pease Pottage allocated for employment land use in the Site Allocations DPD policy SA8;
- The 1.7ha site north of the former golf house on Horsham Road, Pease Pottage now proposed for allocation for 43 houses (MM91).

Handcross:

- 90 dwellings and a 60 care bed care home on 5.4ha of land south-west of Handcross Primary School London Road, Handcross (part of the Hyde estate). (MSDC ref: AP/13/0038).
- 35 dwellings proposed on a 1.9ha site at St. Martin Close, Handcross (Site Allocations DPD policy SA27);
- 3ha of land at Hyde Lodge, Handcross now proposed for older persons' accommodation (DPA19);

3.3 All three Slaugham sites (as well as the smaller site MM91) are also located entirely inside the boundary of the HWNL. They lie outside the current (and hitherto proposed) boundaries of their respective villages. The Slaugham sites all have similar characteristics.

- 3.4 All three sites are pastoral land - one (MM89) is part of a former golf course - that separate the village from extensive ancient woodland parcels. Those parcels are now fragmented remnants of the extensive Weald forests, - St Leonards Forest, Tilgate Forest, Worth Forest and Ashdown Forest - that together covered much of the western side of what is now the HWNL from time immemorial. The fields were almost certainly carved out of the forest and may be, or have been, ancient woodland in their own right by reference to Natural England's Ancient Woodland's Inventory Handbook.
- 3.5 These characteristics are a core reason for the HWNL being considered one of the best preserved medieval landscapes in all of north-west Europe with its unique natural beauty deriving from its essentially rural and small-scale landscape character, which is rich in wildlife and cultural features. It is for these special characteristics that Parliament designated the HWNL as a protected landscape. The Sussex Ornithological Society reports that the nearby forest area is a nesting site and foraging area of one of the UK's very rarest, red-listed birds.
- 3.6 In each case the Slaugham Sites are exactly the small scale, rural fields that are so characteristically significant in evidencing the HWNL's natural beauty. Moreover, they provide an essential, observable and effective transition between the ancient forest land behind them and the developed village boundary on the other. Their development would push the developed boundaries of the two villages right up against the woodland (subject only to a possible 15m barrier and fencing to prevent resident access to private forest land). That would destroy the essentially open characteristics of the local area, the buffering role of the fields in question and adversely impact on the woodland's tranquillity and darkness. Their ecological value as previous soil-enriched ancient woodland and as boundary-land goes well beyond, and cannot be assured by, the minimum 15m ancient boundary required by national guidelines on development near ancient woodland.

4. Regulatory considerations and guidance

- 4.1 In order to meet the "consistency with national policy" test of soundness, any decision on whether or not the benefits and harms justify allocating any particular site within the HWNL must be taken in conformity with the Countryside and Rights of Way Act 2000 (**CROW Act**) and the NPPF/NPPG. It should also take account of relevant authoritative guidance and Planning Inspectorate practice.
- 4.2 It is national public policy that National Landscapes and National Parks should enjoy what the NPPF has called the "highest status of protection" from inappropriate development so that the statutory purpose of their designation, namely the conservation and enhancement of their unique landscapes and scenic beauty, can be achieved. To that end, the NPPF requires that great weight must be given to that policy and those objectives in making planning decisions; and the scale and extent of any development that is justified within them should be limited in scale and extent. LPAs are directed to refuse planning permission for what they deem to be major development in the absence of exceptional circumstances and where the public interest in the development is greater than the public interest in conserving the protected landscape. All protected landscapes – both National Landscapes and National Parks – are subject to exactly the same protection in this regard. The implications of this vis a vis the Slaugham sites is discussed in section 6.
- 4.3 It is significant that the latest version of the NPPF issued on 17 August 2026, despite the Government's drive for more housing, stands steadfast in its policy that reinforces the status of protected landscapes – see section N4. In the words of the Chief Planner, in her 18 August letter to Chief Planning Officers:

“The Framework makes clear that major development in Protected Landscapes should be refused other than in exceptional circumstances, alongside the existing statutory protection for their landscape and scenic beauty”. The NPPF does not want to see protected landscapes used for major development. As the country’s most important landscapes, their conservation and enhancement is a public interest priority.

- 4.4 The NPPF’s para 11b presumption of sustainable development in respect of Local Plans, and the operation of the tilted balance, do not apply where (i) the application of NPPF policies for the protection of National Landscapes and National Parks provides a strong reason for restricting the overall scale, type or distribution of development within the Local Plan area, or (ii) if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. We discuss this further in section 9.
- 4.5 Whilst it is still necessary for an LPA to assess the degree of harm, if any, that development, especially major development, would be liable to cause to the protected landscape, that assessment has to be informed by the great weight that planning policy accords to ensuring that the landscapes and natural beauty of protected landscapes are, overall and on an unweighted balance, both conserved and enhanced. It must also give great weight to the direction that major development should be refused unless two tests are passed, namely an exceptional circumstances test and a public interest test, both discussed in sections 7 and 8 below.
- 4.6 The spines of local planning authorities to give effect to this public policy have recently been stiffened by the new requirement in s.85A of the CROW Act. MSDC is now legally required in exercising or performing any function that affects the HWNL in all cases actively to “seek to further the purpose of conserving and enhancing” its natural beauty. The duty is intended to complement these requirements by ensuring that the purposes for which protected landscapes are designated are recognised in reaching decisions and undertaking activities that impact these areas, and to facilitate better outcomes for protected landscapes in terms of their individual Management Plan objectives and their national protected landscape Environmental Improvement Plan targets². We address this further in section 10.
- 4.7 The NPPF does not empower an LPA to allow development within a protected landscape if it is incompatible with this s85A statutory duty.

5. The outcome of in-combination testing of the Slaughtam sites’ allocations (MSDC doc Env22)

The no showstopper principle

- 5.1 The draft new District Plan’s Inspector has made it clear that, as a matter of principle, the allocation of land for development within the HWNL should not be treated as an automatic “showstopper”. CPRESx does not dissent from that. There are situations when the provision of new housing etc can be

² See: <https://www.gov.uk/government/publications/protected-landscapes-targets-and-outcomes-framework/protected-landscapes-targets-and-outcomes-framework> (January 2024).

beneficial to the protected landscape as well as to the community. New housing and other development in appropriate, sustainable locations within a protected landscape can further its designated purpose, for example where it is providing homes or employment locally that benefit the support its economic and/or social vibrancy and where the development's scale and extent is appropriately limited. There is a national need to increase the country's housing stock and a real need for new social and affordable housing for local families within Mid Sussex, for example.

- 5.2 So we acknowledge that modest-sized, sustainably located, development within Mid Sussex to alleviate its neighbours' housing shortage can offer a material benefit: not only new homes, a proportion of them much needed affordable homes, but also associated new community facilities and sustainable transport and other infrastructure where they benefit existing communities and not just the incoming residents.

Major development

- 5.3 We agree with the Council's conclusion that all three Slaugham sites would involve major development, and that none of the other 6 sites within the HWNL proposed for allocation do so individually. We accept that the benefits of helping to address the unmet housing needs of neighbouring authorities and delivering more affordable housing on those 6 sites where the level of development is limited in scale and extent justifies their allocation for housing subject (in due course) to planning conditions that maximise both any available benefits to the HWNL and the mitigation of any identified harms to it.

MSDC's in-combination testing conclusion

- 5.4 All of the Slaugham sites were considered for allocation in the Regulation 19 submission draft of the new District Plan. But they were all rejected by MSDC during the site selection process as unsustainable because it was considered in each case that *"development of the site would cause detrimental impact to the AONB and should be avoided"*. Presumably MSDC considered then that the exceptional circumstance and/or public interest tests in which major development can be permissible could not be established for the sites.
- 5.5 The recent in-combination has resulted in a led to a partial volte-face. MSDC's overall conclusion from its in-combination testing of the 35 proposed allocation sites is that *"After carefully reviewing the conclusions of the in-combination assessments (as documented in previous sections), the Council is confident that the development scenario (24 Submission District Plan sites + 35 additional sites) is capable of delivery. Whilst negative impacts arise, the Council is of the view that these can be minimised and mitigated, and that benefits outweigh negatives."*³ This is only a partial volte-face because MSDC's original conclusion of overall degree of detrimental harm is not changed.
- 5.6 As to the three Slaugham sites MSDC says: *"In conclusion, whilst development of the site is likely to result in harm to the natural beauty of the High Weald National Landscape, this harm may potentially be reduced if the site is designed appropriately according to the High Weald AONB Management Plan and its supporting documents, all of which are material considerations in the planning process. Development of the site for [x] dwellings would comprise major development, however, at this stage of plan-making, it is considered that exceptional circumstances and the public interest test are capable of*

³ In-combination Testing Conclusions para 8.4, Doc MS-TP5

*being met, specifically with regards to responding to the Inspector's request to accommodate some of the unmet needs of Crawley."*⁴

CPRESx critique of MSDC's conclusion

- 5.7 The conversion via the in-combination testing process of MSDC's views on the deliverability of major development on the Slaugham sites from the SHLAA conclusion that it *"would cause detrimental impact to the AONB and should be avoided"* to *"it is considered that exceptional circumstances and the public interest test are capable of being met"* appears to be based entirely on its conclusion that *"whilst development of the site is likely to result in harm to the natural beauty of the High Weald National Landscape, this harm may potentially be reduced if the site is designed appropriately according to the High Weald AONB Management Plan and its supporting documents, all of which are material considerations in the planning process."*
- 5.8 MSDC relies exclusively on the unquestioned benefit of assisting neighbouring authorities to alleviate their housing supply shortfalls to the extent suggested by Mr Bore, together with the sites' location close to Crawley and some local village community facility improvements as justification for allocating the Slaugham sites.
- 5.9 The question here, though, is whether these benefits justify allocating the Slaugham sites for major development within the HWNL, whether doing so is compatible with national policy, and whether the evidence that underpins their conclusion justifies it.
- 5.10 Whilst the level of investigation into the sustainability of future development of a site at allocation stage should be proportionate, as MSDC itself has acknowledged, there needs to be a reasonably high degree of confidence that planning permission for a major housing estate could properly be granted in due course. An undeliverable allocation cannot be a sound allocation.
- 5.11 When (as here) that development would be within a National Landscape, would involve building on a major scale, and is significant in terms of the Local Plan's overall deliverability, the LPA faces multiple tripwires as well as a default planning policy expectation that permission should be refused. So a proportionate degree of investigation and evidence surely requires an LPA to be able to demonstrate robustly even at allocation stage that a developer applicant is likely to be able to demonstrate its ability to satisfy the exceptional circumstances and public interest exception requirements and, via planning conditions etc, to deliver a sustainable development that conserves and enhances the National Landscape in line with MSDC's statutory responsibilities and the HWNL Management Plan objectives.
- 5.12 CPRESx challenges MSDC's conclusion re the three Slaugham sites that
- Major residential development would conserve and enhance the landscape and natural beauty of the HWNL;
 - MSDC has evidenced by proportionate but robust evidence that there are exceptional circumstance and public interest grounds on which a developer would be able to rely to

⁴ Major Development in the High Weald National Landscape, Doc Env22 page 96. The language is slightly, but not significantly, different for each site. Only the larger of the two Pease Pottage sites includes the reference at the end of the quote to responding to the Inspector's request to accommodate some of the unmet needs of Crawley.

overcome the NPPF presumption that major development within a protected landscape should be refused.

6. The scale and extent of development should be limited

- 6.1 Addressing the national housing supply deficit does not obviate the need to ensure that new homes are those most needed and that they built in the right place. There is a strong planning policy presumption that protected landscapes are the wrong place to permit large scale development.
- 6.2 The national policy objective of affording National Landscapes the “highest status” of protection from inappropriate development, and giving great weight in a planning context to the conservation and enhancement of their natural beauty and landscapes is delivered through the NPPF directive that the scale and extent of development within all designated areas should be limited (para 176), and that major development in them should be refused unless there are both exceptional circumstances and also a public interest imperative sufficient to override that protective purpose (para 177).
- 6.3 The density of development within sites is a material consideration in addressing scale and extent. Unfortunately, MSDC provides no information on what areas within the overall sites proposed for allocation are likely to be developed. It is vital to be able to assess whether the yield proposed for these highly sensitive sites delivers a density and scale that is appropriate for them. There is no information on which to assess that key consideration. Hitherto, policies allocating a site within the HWNL for development have indicated in the description of the development objectives and in site plan the developable and non-developable areas of the site: see SADPD policy SA35 for example. The allocation site descriptions and plans should have included this important information, and we would ask that this be clarified and considered as part of the Inspector’s review of feedback on the Slaugham sites major modifications.
- 6.4 MSDC’s focus has been on how harm caused by development of the sites themselves could be mitigated through on-site measures by reference to the HWNL’s Management Plan, and (to the limited extent practical) how individual aspects (such as a PROW across MM90) could be improved. The Council has not lifted its head far enough to consider the wider cumulative impacts beyond the sites themselves. In effect the Council has had no regard to the implications of the NPPF requirement that development within a National Landscape, when sustainable, should be limited in scale and extent and should cause it no overall harm.
- 6.5 We are surprised that the Council appears to have concluded its analysis without even taking advice from the High Weald AONB Unit on the significance of the impacts of developing the Slaugham sites on the HWNL. This is despite the Unit being the Council’s own independent expert on the subject, and despite the need for confidence that planning applications to build housing estates there could be granted.
- 6.6 We are also surprised that the Council’s impacts analysis has not obviously used, or even referred to, the detailed “Planning for Housing in National Landscapes” guidance issued for the benefit of LPAs by the National Landscapes Association (NLA)⁵. This guidance is an invaluable tool that helpfully identifies the factors that should weigh on an LPA’s mind in considering both housing allocations and planning

⁵ <https://national-landscapes.org.uk/resources/planning-for-housing-in-national-landscapes-in-england-briefing> (May 2026)

applications involving potential development (including major development) within a National Landscape. Had they done so, their evidence would have been more robust, and the result potentially different.

- 6.7 MSDC claims to have considered to a degree the likely cumulative impacts of the three Slaugham sites: MSDC acknowledges that *“there would be significant cumulative impacts from development of the site given the total area and yield of the three additional sites in Pease Pottage”* and that, in the case of Handcross, there would be *“some cumulative impacts from development of the site”* having regard to other housing development commitments there. Presumably these are mainly adverse impacts.
- 6.8 It is an important concession that development on the Pease Pottage allocations (MM89 and MM90) would have significant adverse impacts when considered collectively. However, frustratingly, MSDC does not explain in any detail what those impacts would be, nor on whether they are impacts on the Slaugham sites or on the villages, or both.
- 6.9 Even more importantly, it is a significant flaw in MSDC’s analysis of the Slaugham sites (and of site MM91) that they have made no reference to and, so far as one can see, taken no account of any of the other very extensive development that has been permitted or is proposed within the same parish - over 117ha of protected High Weald countryside. Necessarily it is the overall scale, extent and cumulative impact of all such development on that protected landscape that matters, and that is what para 176 requires. The already significant adverse impacts would inevitably be all the greater if all local development were weighed in the balance, as it should be.
- 6.10 It is also a major flaw that MSDC’s documentation offers no analysis at all of the cumulative impact of the overall development on Handcross or Pease Pottage as High Weald villages, their communities, their facilities or their infrastructure despite the huge population increase that all this development, existing and potential, involves for each. The aggregate significant impact on the villages and the environs of the sites appears to have been given no weight by MSDC in its pros and cons balancing exercise.
- 6.11 In our view it is inescapable that, even without the necessary consideration of other nearby development schemes, building over 1,000 more homes on the Slaugham sites would inevitably introduce further major uncharacteristic features into the High Weald landscape that none of the mitigation or individual enhancement measures envisaged by MSDC could possibly overcome. That bad news bigger picture is given no weight by MSDC.
- 6.12 These apparent omissions further undermine confidence in the robustness of MSDC’s judgement.

7. The exceptional circumstances tests

- 7.1 There are three grounds on which CPRESx says that the exceptional circumstances ground for permitting major development on the Slaugham sites does not apply here:
- A housing land supply shortfall in a neighbouring authority does not qualify as an exceptional circumstance;

- Mitigation of harm to a national landscape from major development does not generally qualify as an exceptional circumstance given the overriding statutory objective of conserving and enhancing its natural beauty and landscape
- In this case there is wholly inadequate evidence to back the Council's assertion that the overall, cumulative adverse impacts, after mitigation, suffice to justify exceptional major development on the sites.

- 7.2 Before addressing those bullets in detail, it is important to remember that all the land within a protected landscape's boundary contributes to the overall protected purposes of the HWNL and so is entitled to the same degree of protection, not just the pretty parts. The Statement of Significance as set out in the HWNL's Management Plan is clear that the whole of the HWNL is designated for its outstanding natural beauty, and all of it is important. It is not the role of individual LPAs to decide that one part of the HWNL is less important to conserve than any other part - that decision was made by the predecessors of Natural England when the HWNL's boundaries were fixed. As one planning appeal Inspector recently said: *"The appellant pointed out it is not one of the most 'pristine' parts of the National Landscape, but I am unsure how that is defined, and see nothing that says only the pristine parts of such landscapes (however defined) should be protected. This is not something to which I have therefore attributed any significant weight."*⁶
- 7.3 In any case, even if a site was considered of degraded value in some way (which we say none is), the HWNL Management Plan expects any such degradation to be seen as an opportunity for the enhancement of natural beauty, contributing positively to the purpose of designation and objectives of the HWNL's Management Plan; not to be turned into a housing estate. Has MSDC considered whether the abandonment of Pease Pottage's golf course and its naturally enriching rewilding as an opportunity to work with partners to develop it into a Nature Recovery Area, or as an area for reforestation as part of the national project to secure a significant increase in the overall area of England's woodland cover, for example?
- 7.4 In other words, factors such as the proximity of the M23/A23, the abandonment of Pease Pottage's golf course, and other recent housing development nearby are not sound reasons to decide that the protective planning policies within the NPPF and MSDC's own District Plan carry any less weight in considering the appropriateness of allocating the Slaughtam sites by reason of those factors. By way of example, in respect of the site at Pease Field, Pease Pottage (MM89), where MSDC says the fact that the land operated for a time as a golf course *"means the site is potentially less sensitive in landscape terms"*. That is a wholly inappropriate way in which to view this site: it should be viewed as somewhere providing an opportunity for landscape and/or forestry regeneration in line with the HWNL's Management Plan's Statement of Significance and Objectives. The sites' proximity to the M23/A23 is also not a legitimate excuse to treat adjacent areas as less sensitive or degraded: it is no more so than the land around Stonehenge is by reason of the presence of the A303.

A housing land supply shortfall in a neighbouring authority is not an exceptional circumstance

- 7.5 "Exceptional circumstance" necessarily indicates on the ordinary meaning of the word "exceptional" that the circumstance involved must be a rarity. That common sense reading of the language is

⁶ PINS Appeal Ref: APP/U1105/W/26/3377572 (para 23).

supported by case law. As quoted by MSDC itself [ENV22 para 5.10, last box], the judge in *R (Mevagissey Parish Council) v Cornwall Council* ruled that “exceptional should mean ‘rarity’”.

- 7.6 A housing land supply shortfall within a Local Plan area is not identified within the NPPF as amounting to an exceptional circumstance and, sadly it is no rarity. As of 2025 over 150 English LPAs faced as shortfall.
- 7.7 The latest (June 2026) Planning Appeal decision addressing whether major development within a National Landscape should be allowed via the exceptional circumstances/public interest routes involved an LPA with a 3.5 year housing land supply (which is almost identical to the 3.45 years currently claimed by MSDC⁷). The Inspector’s conclusions are significant. We quote:

“66. In considering whether exceptional circumstances exist, the Framework gives 3 criteria that any assessment should include. These can be summarised as the need, including any national considerations; the cost of and scope for developing outside of the designated area; and the detrimental effect on the landscape and the extent to which it could be moderated.

87. In the event that I needed to make this assessment, the appellant offered the Government’s drive for 1.5 million homes being built within this Parliament as such an exceptional circumstance. This though relates to the entire country, rather than a particular geographical area within it or a specific development. Moreover, while previous Governments might not have explicitly sought to deliver this magnitude of housing within such a timeframe, there has been a long-standing aim over many Parliaments to boost the number of houses being built across England. Therefore, in general terms I consider the push for housing by this current Government cannot be said to be an unusual or rare circumstance that is determinative for this case.

88. I recognise there is a need for housing land in East Devon District given the shortfall in supply, and there is also what the Council describes as an ‘acute’ District-wide need for affordable housing. These factors though do not necessarily equate to an unusual or rare circumstance justifying major development in this designated landscape. Rather, they are commonly found in numerous council areas across the country.

91. Accordingly, taking into account the need for the development, the inability to moderate the detrimental effects sufficiently and the cost of and scope for developing outside the designation, in my assessment exceptional circumstances have not been demonstrated.

92. I recognise that the delivery of more housing, and more affordable housing, where there is a shortage of both could be said to be in the public interest. However, when the harm I have identified to this designated landscape is factored in, I consider the public interest would not be served by this development here.

93. Consequently, as exceptional circumstances have not been demonstrated and the scheme would not be in the public interest, I find that planning permission for this major development should be refused under the Framework.”⁸

⁷ A 3.45 years housing land supply was accepted by MSDC in its statement of common ground with the appellant in the recent North Colwell Farm planning appeal (MSDC Ref: AP/26/0023).

⁸ East Devon DC, re land at Abbey Road, Dunkeswell. PINS Appeal Ref: APP/U1105/W/26/3377572

- 7.8 In the present case, MSDC will not even have a housing land supply deficit. Mr Bore, as Examiner of MSDC's draft new District Plan has already satisfied himself that the Plan, on adoption will assure Mid Sussex of a housing land supply well in excess of 5 years on the basis of the 24 sites already proposed and examined as suitable for allocation. The Slaugham sites are only proposed for allocation towards meeting the housing shortfalls of neighbouring authorities. Even without the allocation of the Slaugham sites the new Plan will be aiming to deliver over 3,000 new homes to meet its neighbours' needs.
- 7.9 There is NO authority known to us where the Courts or Planning Inspectorate, considering an LPA's Local Plan, has held that meeting a housing shortfall of a different authority constitutes an exceptional circumstance justifying major development in a protected landscape within that LPA's area.
- 7.10 The case that offering 1,075 homes towards Brighton's needs amounts to an exceptional circumstance is even weaker. Not only is Brighton and Hove CC not within the same housing area as Mid Sussex, but its 2016 Local Plan tells us that only 28,000 people who live in the city travel outside Brighton & Hove for work, and only 3% of them commute for work from Brighton to Mid Sussex⁹. MSDC does not even seek to make a case that any of the sites is sustainably located in the context of Brighton or the South Coast authorities.
- 7.11 Addressing the unmet needs of neighbouring authorities is not addressed in the NPPF by shoehorning that problem into the LPA's Plan by supporting development within that LPA's own protected landscape area via the exceptional circumstances route. Instead, the NPPF addresses the issue via the practicality test explained in NPPF paras 61 and 69 as more fully discussed at paras 11.1 to 11.6 of this submission.
- 7.12 We acknowledge that MSDC has not identified alternative additional sites outside the HWNL in lieu of the major Slaugham sites, but we respectfully suggest that this is not a material consideration where, as here, MSDC's Local Plan will cover Mid Sussex's full housing needs and the only housing shortfall lies elsewhere.

Mitigation of harm to a national landscape from major development does not generally qualify as an exceptional circumstance

- 7.13 The Council is also wrong to treat measures/conditions aimed at mitigating individual adverse impacts that it identifies will be caused to the HWNL from developing these sites as justification for approving that development when it admits that the overall impact on the HWNL would be negative.
- 7.14 Unlike development within a protected landscape's setting, adverse impact mitigation is not expressed as a justification for allowing major development within a protected landscape where the exceptional circumstance and public interest exceptions do not apply; and nothing in para 177 suggests that mitigation of adverse impacts can in itself amount to an exceptional circumstance. The relevant legislation, the NPPF and Government guidance are all clear that there is a proactive duty to ensure that a proposed development is compatible with the Council's responsibility to conserve and enhance the HWNL and to limit the scale and extent of permitted development there.

⁹ Brighton & Hove City Plan 2016 Part 1 paras 1.6 and 1.19. NB: 2016 data.

- 7.15 The exceptional circumstance and public interest tests are exceptions to the circumstances in which major development should be refused. They are NOT exceptions to MSDC's legal duty to seek to ensure that the landscape and natural beauty of the HWNL is conserved and enhanced. MSDC's in-combination testing conclusion is that *"development of the site is likely to result in harm to the natural beauty of the High Weald National Landscape"*. A reduction in the degree of admitted overall harm through mitigation does not suffice to pass MSDC's conserve and enhance duty. That is a positive duty, not a damage limitation exercise.
- 7.16 MSDC's approach would result in a situation where no convenient part of any nationally protected landscape would ever be safe from development to meet a neighbouring authority's unmet housing needs.

The inadequate evidence base

- 7.17 In CPRESx's view the information supporting Major Modifications MM88 – MM90 come nowhere near to meeting the minimum soundness standard needed to justify these allocations:
- Local HWNL impact partially depends on the extent of the sites considered suitable for building on, and the building density (see para 6.3). The proposed allocations don't address that at all.
 - conclusions have been reached seemingly without expert advice having been sought from the High Weald AONB Unit or even the National Landscapes Association's "Planning for Housing in National Landscapes" guidance (see paras 6.5 and 6.6);
 - the aggregate impact on the HWNL and the adjacent villages of all the recent and proposed development within Slaugham parish has not been addressed (see paras 6.9 – 6.11);
 - no justification is offered as to what makes development of the Slaugham sites exceptional circumstances: it is not enough that there is an unmet need elsewhere (see section 7);
 - no comparative and in-context analysis has been undertaken of the conflicting public interests in conserving the HWNL's natural beauty and landscape and its economic and social benefits versus the housing benefit involved (See section 8);
 - MSDC does not explain why the Slaugham sites in the HWNL are considered sustainable and developable when there are no sustainable and developable sites within the SDNP, where exactly the same planning considerations apply (see paras 8.11 - 8.12);
 - The presence of historic, cultural and geological features are noted and are presumed not to be development blockers, but no evidence is offered that justifies that assumption;
 - There have been no studies of the potential impacts on tranquility and dark skies– both being key Management Plan objectives, and without which mitigation effectiveness cannot be measured or assured. How, for example, can E1 level lighting required within a protected landscape, be assured on such large scale residential developments?
- 7.18 MSDC, quite properly, does not claim that mitigation measures could conserve and enhance the HWNL, only that negative impacts *"can be minimised and mitigated, and that benefits outweigh negatives"*. Given MSDC's acceptance in its conclusion that, overall, the HWNL would suffer negative impacts from major development on the Slaugham sites, it is misguided in treating
- their mitigation and/or
 - a benefits/harms balancing exercise

as an exceptional circumstance that can nevertheless justify major development there. That treatment is nowhere justified in the relevant statutes, the NPPF or MSDC's District Plan. They are not tests by which deliverability within a protected landscape should be judged.

- 7.19 MSDC does not even explain how, when the facts have not changed, the potential for mitigation measures now identified suffices to convert their previous assessment that the cumulative adverse impact of development on the Slaugham sites would be "significant" to one where the degree of overall harm is deemed by MSDC to be sufficiently minimal to be treated as an exceptional circumstance. For example, MSDC's proposed policy requirement that the three developments should "*conserve and enhance the High Weald National Landscape (AONB) by applying a landscape-led design approach that is informed by a LVIA*" is meaningless without context and evidence of deliverability and effectiveness;

8. The public interest test

- 8.1 The NPPF requires any proposed major development within the HWNL to be in the public interest. It is a separate and different test from the exceptional circumstances test. Both tests must be passed for major development within a protected landscape to be acceptable in NPPF terms.
- 8.2 The issue is whether the public benefit of assisting neighbouring authorities to alleviate their own housing supply shortfalls and thereby boost the overall supply of housing trumps, or is trumped by, the public interest benefits of conserving and enhancing the HWNL in the context of its statutory designation as one of the country's most important landscapes.
- 8.3 In asserting that the public interest test can be passed in respect of major development on the Slaugham sites because of the Inspector's wish for MSDC's new Plan to deliver a certain, but ultimately arbitrary, number of new homes to cover shortfalls in Crawley and Brighton, the Council has wholly failed to undertake the required comparative public interest benefit analysis, or to consider the potential to conclude that the District cannot sustainably deliver all the new extra housing in its Plan.
- 8.4 Had it undertaken that necessary comparative analysis the only rational conclusion would have been that the undoubted public benefit in assisting Crawley and Brighton to alleviate their housing shortages does not outweigh the important public benefit of conserving and enhancing the HWNL. We note that the appeal inspector in the East Devon appeal case referred to at para [] reached the same conclusion in that case (see quoted paras 92 and 93).
- 8.5 However positive MSDC's approach is to the application of the site selection methodology, including in-combination spatial strategy delivery testing, it must still recognise the vital social, environmental and economic contribution of our protected landscapes to our national heritage and wellbeing, and must give effect to legal requirements and to both national and local planning policy vis a vis the conservation and enhancement of National Landscapes. They represent unique national assets to be treasured for the vital role that they play in bettering our biodiversity, our climate and our wellbeing. Protected landscapes are not warehouses of future building sites.
- 8.6 The very high environmental value of the landscapes and natural beauty of National Landscapes/AONBs is recognised in what the NPPF describes as the "highest status" of protection that they enjoy from large scale and inappropriate development and the NPPF expectation that any permitted development there

should be limited in scale and extent. Also in the new duty imposed on LPAs to seek to further the conservation purposes for which they were designated.

- 8.7 The Slaugham sites are archetypes of the small scale patchwork of rural fields that define the special characteristics of the HWNL's natural beauty and that led to its designation as a National Landscape.
- 8.8 What is sometimes less well acknowledged is their no less important social and economic significance:
- socially for the importance that people attach to their mental and physical health-promoting well-within its positive plan-making objectives being benefits as readily accessible large open natural spaces; also for their biodiversity, and their cultural and historical value;
 - economically for their considerable natural capital assets, resources and ecosystem services, and for the jobs and income that they generate from tourism and farming etc. On the National Landscapes Association's estimation *"the asset value of Protected Landscapes at £281-328 billion, representing 21-24% of England's natural capital (16-19% of the UK's). Within this, the largest contributions are the health benefits of recreation (£98bn) and recreation and tourism expenditure (£78bn), followed by agricultural biomass (£29-38bn). Protected Landscapes also contribute disproportionately to greenhouse gas regulation, demonstrating their importance for climate regulation and net zero."*¹⁰ It is noteworthy that the latest iteration of the NPPF places increased emphasis on the importance of environmental improvement to mitigate climate change.¹¹
- 8.9 Whilst we have no separate figures for the individual contribution of the HWNL to these overall numbers, bearing in mind that the HWNL is the fourth largest National Landscape and closer to larger population clusters than most (over 1m people live within 5km of its boundary), its economic, social and environmental value are all genuinely of the greatest significance.
- 8.10 In our view MSDC has not come anywhere near to demonstrating that, when considering a major development application for any of these three sites, a rational justification could be made that the public interest in protecting the HWNL is trumped by the provision of three new large scale housing estates as a contribution towards the overspill unmet housing needs of neighbouring authorities:
- the Council has wrongly elided the separate exceptional circumstance and public interest tests (see ENV22 Appendix);
 - MSDC's claim that there is a public interest case to be made is mere assertion unsupported by any justification or evidence, little more than wishful thinking; vitally, the Council has nowhere compared and weighted the competing public interests represented by the contribution that the developments would make to the national housing shortage against the public interest in conserving and enhancing the HWNL in the context of its high protective planning status or its economic, social and environmental contribution to society, yet alone demonstrated why the former should trump the latter in any of these three cases, especially when it has concluded that the allocations would have a significant adverse impact on the HWNL which can only partially be mitigated;

¹⁰ <https://national-landscapes.files.svdcdn.com/production/assets/images/Documents/Briefings/BRIEFING-251015-The-value-of-Natural-Capital-in-PLs-FINAL-1.pdf?dm=1761317172>

¹¹ NPPF August 2026, policy S1 (Positive Plan-making).

- the Council has wrongly concluded that it is legitimate to accept that mitigation of admitted overall harm to the sites from their development for housing can be treated as delivering a public interest benefit;
- the Council has ignored the fact that the HWNL's Management Plan expects that areas perceived as 'degraded' landscape characters should be seen as opportunities for the enhancement of natural beauty contributing positively to the purpose of designation and objectives of the Management Plan (see ENV22 para 2.11), not as an excuse to justify housing development. This opportunity to grasp the biodiversity opportunity of these sites to increase further the public benefit value of the HWNL's natural capital has not been considered and would be lost by their allocation for housing.

8.11 It is highly significant that Brighton and the other South Coast authorities have been unable to justify on public interest or other grounds meeting their own very significant housing supply needs by via development anywhere within their adjacent South Downs National Park (**SDNP**). There is no rational justification for exporting the solution to their problem to National Landscape areas in Mid Sussex that enjoys identical protective rights, and no explanation at all within the evidence base why the HWNL should be an acceptable location on exceptional circumstance or public interest grounds when the SDNP is not.

8.12 If the Slaugham sites and the SDNP are equally inappropriate locations on which to allow major development to alleviate the significant housing needs of Brighton or other South Coast authorities because of the statutory and NPPF landscape protection that the sites are entitled to, it must necessarily follow that those reasons make them equally inappropriate locations to contribute to the unmet needs of Crawley BC. Their locational closeness to Maidenbower and Crawley is no more a justification for allocating them than the locational proximity of the SDNP to Brighton has been to expanding Brighton into that protected landscape. A contrary decision would be irrational.

9. The balancing exercise

9.1 MSDC relies for its final allocation proposals on its claim that the benefits of the allocations of the Slaugham Sites outweigh negatives. The Council does not tell us how it reaches that conclusion, especially given their acceptance that the HWNL would be adversely impacted by development of the Slaugham sites. We do not underestimate the significance of the benefit to neighbouring authorities that development of the sites would bring. But there are precious few other benefits on offer: amelioration of development harms to the HWNL is not a benefit; the provision of an enlarged bowling green in Handcross and an enlarged community hall in Pease Pottage are not benefits as they would only be needed to meet the extra populations on the new housing estates there; and the financial contributions called for are likely to be spent in and around Crawley, thus providing little or no direct benefit to the communities in Handcross and Pease Pottage.

9.2 In any case, in respect of the Slaugham sites, a balancing exercise cannot justify major development where that development will fail to conserve and enhance the HWNL, as MSDC accepts would be the case; nor where exceptional circumstances and an overriding public interest do not exist for the reasons already explained.

9.2 MSDC does not explain whether or not they have applied the NPPF para 11b)ii tilted balance nor, if they have, how they justify that choice. For the record CPRESx would not consider the tilted balance as

being applicable having regard to para 11b)i, and would be happy to justify that viewpoint if the issue ceased to be moot.

- 9.3 Even if CPRESx is incorrect in considering a benefits v harms comparison to be irrelevant in the present case, MSDC's exercise and conclusion is worthless, even on its own terms: MSDC provides no comparative table setting out what those pluses and minuses are, nor what weight it affords to each or why. The justifiability of its conclusion from this balancing exercise cannot therefore be assessed, so its credibility as evidence is of no value.

10. The s.85A duty to seek to further the purpose of conserving and enhancing the HWNL's natural beauty

- 10.1 S.85A of the CROW Act imposes on local planning authorities a statutory duty to seek to further the purpose of conserving and enhancing the HWNL's natural beauty.
- 10.2 DEFRA has issued guidance to LPAs on how that statutory duty should be applied in their decision making¹². The National Landscapes Association has also issued complementary guidance to LPAs on how to apply their S.85A duty¹³. Both documents are necessarily material considerations in any decision on whether the allocation of any site within the HWNL is consistent with MSDC's CROW Act duty to seek to further the purpose of conserving and enhancing its natural beauty.
- 10.3 DEFRA guidance explains that the S.85A duty is a positive, active one, including in relation to the preparation of development plans, to take all reasonable and proportionate steps to further all aspects of the HWNL's designation as a National Landscape.
- 10.4 The NLA's briefing asks the LPA to "*ensure clear differentiation between any proposed measures that seek to mitigate or compensate for harm (e.g. like-for-like replacement), and those that further the conservation and enhancement of the natural beauty of the National Landscape. **Natural England have advised that measures that further the purposes are required in addition to mitigation***" (bullet 6 on p.7) [our emphasis].
- 10.5 The meaning of the equivalent "seek to further the purposes" duty has been considered in relation to the National Parks legislation in *New Forest National Park v Sec of State*¹⁴. The judge decided that a positive duty which has as its purpose the conservation and enhancement of a National Park is discharged by establishing that proposed development would, if permitted, at least leave it unharmed (para 82). it is not a necessary prerequisite for the proper discharge of the duty that the decision maker also determines whether the planning application proposes development which would enhance the natural beauty of the National Park (para 83).
- 10.6 The judge explained that, if the planning authority determines that the proposed development would harm the protected landscape, they must the consider whether the grant of planning permission would

¹² <https://www.gov.uk/government/publications/the-protected-landscapes-duty/guidance-for-relevant-authorities-on-seeking-to-further-the-purposes-of-protected-landscapes> (December 2024)

¹³ <https://national-landscapes.org.uk/resources/guidance-for-relevant-authorities-on-the-countryside-and-rights-of-way-acts-strengthened-duty> (May 2025)

¹⁴ [2025] EWHC 726 (Admin)

be in accordance with their duty to seek to further those purposes (para 61). He went on to say (para 62):

"The strengthened duty is expressed in qualified terms. The planning authority is required "to seek to further" the section [85] purposes. It is not under a duty necessarily to fulfil those purposes. Nevertheless, in my view, in any case in which the planning authority determines that a planning application proposes development which is in conflict with the section [85] purposes or will undermine their fulfilment, the authority ought both to consider whether and to explain why they have decided that planning permission may justifiably be granted. The planning authority's consideration of those matters will necessarily be informed by the circumstances of the given case, including the size and scale of the development under consideration and the extent and severity of its conflict with the section [85] purposes. These are matters of judgment, but a duty "to seek to further" the section [85] purposes necessarily invests the planning decision maker with the responsibility to judge, firstly, whether the planning application before them for decision proposes development which interferes with the fulfilment of those purposes; and if it does, whether and if so why the grant of planning permission is justified."

- 10.7 MSDC has concluded that each of the three Slaugham sites will be harmed by major development on them even after mitigation, though the degree of that harm, and their rationale, is unstated beyond it being in each case similarly limited and localised: The Council's Env22 in-combination testing conclusion is the same for each site, namely: *"whilst development of the site is likely to result in harm to the natural beauty of the High Weald National Landscape, this harm is likely to be limited and localised if the site is designed appropriately according to the High Weald AONB Management Plan and its supporting documents, all of which are material considerations in the planning process."*
- 10.8 We have taken issue elsewhere with the way that MSDC has assessed the harms to the HWNL that development of the three sites is liable to generate, which under-estimates the overall degree of those adverse impacts: the failure to consider the collective effect of those impacts having regard to the overall level of all the recent and anticipated local development within the vicinity; the absence of any measurement of the degree of individual and aggregate harms or rationale supporting such measurements; and the improper reliance on mitigation measures to justify their conclusion that adverse impacts would be limited and local.
- 10.9 In CPRESx's view, this dearth of robust data renders it impossible for MSDC to demonstrate how these three proposed allocations would be compatible with its duty to take active measures based on robust evidence to seek to further the protective purposes underlying s.85A having regard to their in-combination testing conclusion that the developments would not conserve and enhance the HWNL's natural beauty and the scale of development involved.
- 10.10 Even in terms of the judge's ruling in the SDNP case, this conclusion amounts to a decision that the developing the sites would "interfere with the fulfilment of the purposes" that MSDC has a duty to seek to protect; and that it therefore requires MSDC to decide and explain why the grant of planning permission would be justified. MSDC has not done so.
- 10.11 MSDC's conclusion relies heavily on measures that it believes could mitigate some of the adverse impacts, assessed against individual HWNL Management Plan objectives. This does not accord with the Natural England guidance that additional measures to further the designated purposes of the HWNL are required in addition to mitigation. (See NLA briefing quote at para 10.4). We note, for example,

that there is no MSDC suggestion of using off-site enhancements to the HWNL to compensate for the unquantified net harm that MSDC admits will be caused by development on each of the Slaugham sites. In that respect MSDC has also not followed a core objective of the HWNL Management Plan.

- 10.12 Nor has MSDC adopted either authority's guidance advice to embed into the design of its new Plan any formal compliance monitoring and reporting system to ensure ongoing adherence to the s.85 duty in respect of the developments envisaged on the Slaugham sites.

11. Assessing soundness

Practicality

- 11.1 In measuring a Plan's soundness, the NPPF's "Positively prepared" test requires a development plan to *"provid[e] a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that **unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development**; [our emphasis].*
- 11.2 The Inspector has accepted that the 24 sites already proposed for allocation in MSDC's new Plan (and the windfall allowance) will suffice to deliver in full the District's own assessed housing needs. The additional 35 sites, with their potential 3,860 dwelling yield now proposed, including the three HWNL sites whose allocation we challenge, are all intended to deliver additional housing to contribute to alleviating housing shortfalls beyond the District's boundaries.
- 11.3 Soundness only requires unmet housing needs elsewhere to be accommodated where it is "practical" to do so. This seems to us to involve a pragmatic approach uncluttered by the need to assess a tilted balance or weighted by a presumption of deliverability. As MSDC has itself acknowledged, it would not be sensible to allocate a site unless there was a reasonable and rational expectation that, at planning application stage, the development proposed in the Plan for that site is capable of being approved.
- 11.4 The appropriateness of adopting a pragmatic approach to planning to accommodate unmet neighbours' housing needs is supported by the NPPF itself. The direction for a local plan to deliver on the Government's objective of significantly boosting the supply of homes is given effect by NPPF para 61, which explains that

"In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for."

and by para 66 which provides that

"Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period."

- 11.5 The effect of these paragraphs is to require a Plan to meet its own area's housing need, but also to assist the unmet needs of neighbouring authorities **to the extent that they can be met** [our emphasis]. Vis a vis neighbouring authorities, that clearly implies a less stringent expectation applied flexibly and

pragmatically according to sustainable deliverability. That interpretation is borne out by the “positively prepared” test of soundness (NPPF para 36) which expects unmet housing need from neighbouring areas to be accommodated “*where it is practical to do so and is consistent with achieving sustainable development*”.

- 11.6 The new (August 2026) NPPF takes a similarly pragmatic approach: The “positively prepared” test of soundness (para PM15) is passed if “*the plan sets out a positive approach to delivering growth to meet the development needs of the area in accordance with policy S1, and is based on effective joint working on cross-boundary strategic matters*” (the “area” being the local strategic plan area). The joint working on cross boundaries requirement (para PM10) requires, in relevant part) that “*Plan-making authorities should engage proactively and regularly with other relevant plan-making authorities (where there are strategic interdependencies across boundaries) and other relevant bodies to identify and address cross-boundary matters that need to be addressed in their plans, including: ... b. Where development needs that cannot be met wholly within a particular plan area could be met elsewhere*”.

Justified

- 11.7 It is of course also inherent in the soundness testing process that conclusions are justified by proportionate, but robust, evidence. For the detailed reasons offered in this submission, MSDC’s conclusion as the allocatability of the Slaugham Sites is wafer-thin – little more than unevidenced assertion – is simply not reliably underpinned by robust evidence as the sites’ deliverability. Major modifications MM88 – MM90 are unsound on this ground too.

Consistency with national policy

- 11.8 The national importance of conserving and enhancing protected landscapes and natural beauty is given voice via Parliament’s decisions to protect the country’s most important landscapes through a process of designation; via their recognition in the NPPF as having the highest status of protection from inappropriate development and the great weight that LPAs must give to that fact in their decision making; and via the duty imposed by the CROW Act s.85A on LPAs to seek to further the conservation purposes for which national landscapes were designated.
- 11.9 The duty is a positive duty to conserve and enhanced the national landscape. The duty is not fulfilled by mitigation of adverse consequences of development. Even after in-combination testing MSDC concedes that “*development of the site is likely to result in harm to the natural beauty of the High Weald National Landscape*”. It is not enough that “*this harm may potentially be reduced if the site is designed appropriately according to the High Weald AONB Management Plan and its supporting documents*” when the mitigation measures do not result overall in the HWNL’s positive conservation and enhancement. Nowhere does the statutory framework suggest that degradation of a protected landscape is excusable on a balancing exercise of pros and cons of a development that is liable to harm its natural beauty, as MSDC admits would happen in this case.
- 11.10 In our view, for these reasons, there is more than enough doubt as to whether major housing development on any of the Slaugham sites could pass the NPPF exceptional circumstance/public interest and CROW Act s85 tests at planning application stage to make it impractical to allocate those sites in MSDC’s new Plan. Our submission also demonstrates, we believe, that major development on

these sites would also conflict with national policy's protective shield for National Landscapes. So a Plan with these allocations, with such uncertain and inadequately evidenced deliverability, would not be positively prepared, would not be justified, and would not be consistent with national policy, three essential component tests of any development plan's soundness.

12. Conclusion

12.1 CPRESx urges the Inspector to conclude that none of these proposed three major development Slaugham sites within the HWNL is deliverable to contribute towards meeting the needs of neighbouring authorities, and that proposed Major Modifications MM88, MM89 and M90 should be withdrawn from the Plan that proceeds for adoption. In terms of the tests of soundness:

- meeting the housing needs of Crawley and Brighton is not practical;
- the Council has not demonstrated by proportionate, adequate and robust evidence that any of the three sites is likely to be sustainable for major development;
- the public interest is not served by the proposed major development on the Slaugham HWNL sites, and any such development would be incompatible with national policy or statute safeguarding National Landscapes; and
- no justification is given by the Council for regarding their CROW Act s.85A duty to seek to further the purposes for which the HWNL was designated as satisfied in the face of their albeit inadequately assessed conclusion that the HWNL's natural beauty would be harmed to a uncertain degree by developing the three Slaugham sites.

12.2 As MSDC's recent additional sites identification exercise has failed to identify any alternative sustainable sites to replace them, and it is not for the examination process to second guess MSDC's evaluation process, CPRESx further urges the Inspector to reduce the new Plan's proposed requirement for additional housing to contribute to the needs of neighbouring authorities by 1,001 homes, being the number of dwellings that are being proposed for allocation on the Slaugham sites. It would still be the case that the Plan would be expected to deliver 19,243 homes to satisfy the District's own local housing needs in full as well as a contribution in the region of 3,068 new homes for neighbouring authorities¹⁵; an overall Plan housing requirement of 23,070 (20% above that hitherto proposed)¹⁶.

Note: In other CPRESx submissions CPRESx has proposed the withdrawal of two other linked allocations (MM65 and MM66) at North Colwell Farm, Haywards Heath offering a combined yield of 88 dwellings. If this were agreed the new District Plan's overall housing requirement would be 22,982 homes.

¹⁵ Plus a windfall allowance of 759 dwellings, per MM28.

¹⁶ If the outstanding planning appeal on the unallocated Ansty Farm site were to be upheld in due course, the Inspector's original aspiration as to Mid Sussex's contribution towards the needs of neighbouring authorities would be more than achieved.

Representation by CPRE Sussex, the Sussex countryside charity

2nd September 2026

Re

**Proposed Main Modification MM65: Field rear of North Colwell Barn, Lewes Rd
(SHLAA Site 680)**

This site is subject to substantially the same benefits and negatives as the land at North Colwell Farm site (MM66), as to which see our comments re that main modification.

We accept that, for allocation purposes, there would be a reasonable prospect of a future site developer being able to secure planning permission for this site if the concluded appeal re the MM66 site is allowed.

If, however, that appeal is refused before the draft District Plan under examination is adopted, then MM65 should be withdrawn. That refusal would demonstrate that future deliverability of the site for housing is not sufficiently likely to be possible to justify the site's allocation, as sites should only be allocated in a local plan if the Council can be reasonably confident that it can be sustainably developed.

In any case, it should be a policy requirement of this allocation, if not withdrawn, that "the developer must provide, unless otherwise agreed with the Highways Authority, a pedestrian crossing to the footway on the north side of the A272 Lewes Road to enable safe connectivity with the public right of way (footpath HAH/29CU/1) that provides a route to local services and community facilities". The A272 is a major, busy road. The only footpath and access to schools and local services lies on the opposite side of the road. The provision of a pedestrian crossing near the site entrance should be an essential condition on safety grounds.

**Proposed Main Modification MM66: Land at North Colwell Farm, Lewes Road
(SHLAA site 844)**

This proposed allocation should be withdrawn. The site has been the subject of a now concluded planning appeal. If the appeal is allowed, then allocation of the site is unnecessary. If it is refused, then that refusal will demonstrate that future deliverability of the site for housing via a different scheme is not sufficiently likely to be possible to justify the site's allocation, as sites should only be allocated in a local plan if the Council can be reasonably confident that it can be sustainably developed.

If MM66 is not withdrawn, an additional policy requirement should be included any development should be conditioned on *all necessary works relating to drinking water and wastewater services having been implemented before occupation of the development.*

Proposed Main Modification MM99: Amendments to policy DPI7: Water and Wastewater Infrastructure

Mid Sussex is a water stressed area with creaking infrastructure (both potable water and wastewater infrastructure). Water companies servicing the area are under great strain in delivering timely connections and treatment facilities etc that meet the demand for new housing, This is a long term problem. A Grampian condition is an essential, and legally permissible, safeguard to ensure that delivery of new housing on larger sites coincides with the completion by the infrastructure supplier of whatever infrastructure works are required to deliver and service immediately occupiable homes.

CPRESx welcomes MSDC's and the Inspector's favourable consideration of our Regulation 19 request to include the requirement of Grampian conditions within policy DPI7.

However, to be effective, the new draft wording at the end of DPI7 needs to be extended:

- The imposition of a Grampian condition should be the default choice for larger sites: The "Where necessary" language implies the opposite, and creates unnecessary uncertainty for developers and others as to when the condition will be required, and affords developers undue bargaining leverage in respect of a condition designed to provide a public good.
- The condition should logically apply to drinking water supply companies as well as wastewater (sewerage) companies.

To that end we suggest that the language of the final paragraph be modified slightly to read: "*Grampian conditions **will normally** be imposed on planning permissions **on larger sites** to prevent the occupation of development until necessary works relating to **drinking water and wastewater** have been implemented.*"

We invite the Inspector to consider whether this requirement should be extended to other infrastructure providers, including highways where material highways works are required to deliver a viable development scheme.