

# **Representations to Stage 1 Examination Hearing of Draft Mid Sussex District Plan 2021 - 2039**

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## **1. INTRODUCTION**

- 1.1. This document comprises the Representations for and on behalf of Hurstpierpoint and Sayers Common Parish Council (the 'Parish Council'), to the Stage 1 Examination Hearing of the draft Mid Sussex District Plan 2021-2039.
- 1.2. These Representations have been prepared following the submission of Representations by the Parish Council in response to the statutory consultation on (i) the Consultation Draft (Regulation 18) Mid Sussex District Plan 2021 - 2039 (December 2022); and (ii) the Submission Draft (Regulation 19) Mid Sussex District Plan 2021 - 2039 (February 2024) (the 'Draft Plan').
- 1.3. These Representations relate to the following issues, as identified by the Inspector in her 'Matters, Issues and Questions' (MIQ) Document (Version 1):
  - Matter 3: Vision, Objectives and Spatial Strategy, and in particular Issue 2;
  - Matter 4: Transport;
  - Matter 5: Flood Risk; and
  - Matter 6: Housing.
- 1.4. It is intended that the Parish Council will supplement these written Representations by attending and participating in the oral discussions in relation to Matter 3.
- 1.5. The Representations are set out below, under each thematic heading. They focus on the key matters, issues and questions raised in the Inspector's note.

## **2. MATTER 3: VISION, OBJECTIVES AND SPATIAL STRATEGY**

- 2.1. The MIQ notes that the Draft Plan does not appear to contain an explicit Spatial Strategy.
- 2.2. Chapter 6 of the Draft Plan sets out 4 guiding 'key principles'. The Parish Council consider that these do not constitute a Spatial Strategy, but rather a cascade approach that has been used to assess candidate development sites for allocation in the Draft Plan.
- 2.3. The Parish Council consider that there is an absence of an overall Spatial Strategy that has been used to guide and determine the pattern, scale, and design quality of development within the Draft Plan.
- 2.4. The four key principles referred to in the Draft Plan appear to have been used by the District Council to assess the comparative merits and demerits of sites that have been submitted to them by prospective developers. Sites have been selected to deliver against the identified development need.
- 2.5. Whilst the Draft Plan contains a Settlement Hierarchy, comprising five categories of settlements within the district, this does not appear to have guided the overall distribution of development or informed a Spatial Strategy; reflected in the comparatively modest growth envisaged in 2 of the 3 main settlements in the district.

- 2.6. In the absence of an overarching strategy, it is considered that the Draft Plan fails to comply with the requirements for strategic policies that are set out in paragraph 20 of the NPPF, and the tests of soundness set out in paragraph 35.
- 2.7. The application of the first key principle, to protect the High Weald AONB<sup>1</sup>, has resulted in very little new housing being allocated within areas of the district designated as AONB<sup>2</sup>.
- 2.8. It is noted that the Inspector undertaking the Examination of the Mid Sussex Site Allocations Development Plan, noted that, *"it is clearly important to enable the organic growth of settlements within the AONB wherever this is sustainable"*<sup>3</sup>.
- 2.9. It is considered that the Spatial Strategy for the Draft Plan should identify the importance of facilitating the organic growth of settlements within the AONB, where appropriate, and to provide direction on how this would be applied to differing scale of settlements throughout the district.
- 2.10. The second key principle of the Draft Plan is to seek to make effective use of land. This is noted as meaning maximising opportunities for reusing brownfield sites. It also notes that this means where greenfield sites are required, development is planned at an appropriate density to make efficient and effective use of them.
- 2.11. The Draft Plan, however, makes little provision for development within existing defined urban areas<sup>4</sup>.
- 2.12. The Parish Council consider that there are areas within the district, in particular the 3 main towns, which are presently underutilised, such as surface level car parking.
- 2.13. It is considered that the Spatial Strategy should emphasise the importance of maximising the potential of previously developed land within urban areas in order to minimise the need to release greenfield sites.
- 2.14. This should be aligned to proactive measures undertaken by the Council to facilitate the identification and allocation of such areas to help bring these forward. This would reflect the recommendation in the LPA's own Urban Capacity Study<sup>5</sup>.
- 2.15. The Parish Council consider that the Draft Plan fails to provide a Spatial Strategy that would ensure development is maximised in settlements that are most suitable and capable of facilitating growth in the district.
- 2.16. The fourth key principle of the Draft Plan is opportunities for extensions to improve the sustainability of existing settlements that are currently less sustainable. This has resulted in the allocation of a significant number of dwellings to be built at Sayers Common.

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<sup>1</sup> Whilst the AONB has been superseded by the term National Landscape, it is used here to reflect the wording of the Draft Plan

<sup>2</sup> Two housing allocations comprising DPA4 and DPA13

<sup>3</sup> Paragraph 195 of the Inspectors report

<sup>4</sup> The two significant allocations comprise DPA3 (330 dwellings at Burgess Hill Station) and DPA8 (100 dwellings at The Orchards Shopping Centre)

<sup>5</sup> Paragraphs 6.20 and 6.21 of the Mid Sussex District Urban Capacity Study - September 2022

- 2.17. The Parish Council have concerns at the proposed level of growth in this settlement.
- 2.18. The Draft Plan states that in relation to extensions of settlements such as Sayers Common, it 'seeks to deliver complete, compact and well-connected communities which provide the facilities and services to support the majority of the day to day needs of the community as a whole, accessed by a safe, accessible and well-connected movement network for walking, wheeling and cycling'.
- 2.19. Notwithstanding this, the Parish Council consider that there is an absence of a coherent analysis of the level of growth that is required to achieve these 20-minute neighbourhood principles.
- 2.20. It appears that the overall quantum of growth allocated to Sayers Common is not supported by a coherent Spatial Strategy. Instead it appears that the sites have been selected based on their availability and promotion by land owners and developers.
- 2.21. The spatial distribution of development also appears to reflect landowner and developer promotion of land, rather than be based upon an overarching spatial strategy.
- 2.22. For example, the land allocation of Policy DPS3 does not reflect a logical extension to the existing built up area of the settlement. The detached western limb of the allocation is remote from the settlement. This conflicts with the principles of a complete, compact and well connected community.
- 2.23. The Parish Council consider that given the scale of development envisaged, the allocations should be accompanied by an associated Masterplan, established as an integral part of informing the quantum of development and the spatial distribution.
- 2.24. This Masterplan should include proposals that not only include allocation of land for development, but also detail how the settlement will be completed and set within an appropriately landscaped context, that, for example, maintains the clear separation of the community from Albourne to the south.
- 2.25. The allocation should also be accompanied by an Infrastructure Delivery Strategy that evidences the appropriate and effective delivery of associated requisite infrastructure, as part of new development, including but not limited to improvements in non car modes of transport.
- 2.26. The Parish Council consider that the proposed development at Sayers Common is not currently accompanied by mechanisms that will ensure an effective delivery of enhancements in the sustainability of the settlement.
- 2.27. The Parish Council note that the Draft Plan has been modified from the Regulations 18 draft, by the inclusion of a policy requirement that sites over a 1000 dwellings are to be brought forward in accordance with a list of criteria (Policy DPSC GEN). These, amongst other things, require an allocation wide Masterplan, and Infrastructure Delivery Strategy and Phasing Plan.
- 2.28. The Parish Council consider that these requirements should not be deferred, post allocation of land within the Plan. They should be integral to the development plan and land allocation policies, to ensure development is evidentially capable of being delivered in accordance with a coherent Spatial Strategy.

- 2.29. The Parish Council consider that the quantum of development envisaged is at such a scale, relative to the existing community, that the Spatial Strategy for this area in the Draft Plan should look ahead beyond the 15-year plan period, at least 30 years, in accordance with the terms of Paragraph 22 of the NPPF.
- 2.30. It is considered that this time scale is required to ensure development is appropriately planned and phased and integrated with existing built form, and delivered in accordance with requisite infrastructure; noting the underlying purpose of the allocations is putatively to improve the sustainability of the settlement.
- 2.31. The Parish Council also considers the same requirements should apply to the 1350 dwellings proposed for the development on 'land west of Burgess Hill/ north of Hurstpierpoint. This development allocation represents a step-change in the spatial layout of the settlement which, until now, has been substantively defined and contained to the south and west by the peripheral access road, the Jane Murray Way, and an associated landscaped buffer zone<sup>6</sup>.
- 2.32. The siting of this quantum of development would require Masterplanning with associated Infrastructure Delivery Planning, over a significant period of time, to provide the best prospects of successfully becoming a sustainable urban extension.
- 2.33. In the absence of this, it is not considered that the Draft Plan is evidentially based on an effective Spatial Strategy that satisfies the tests of soundness set out in paragraph 35 of the NPPF and the requirements of paragraph 20.

### **3. MATTER 4: TRANSPORT**

- 3.1. Paragraph 108 of the NPPF makes clear that transport issues should be considered from the earliest stages of plan-making, whilst paragraph 109 notes that the planning system should actively manage patterns of growth in support of sustainable transport objectives, and significant development should be focussed on locations which are, or can be made sustainable, through offering a genuine choice of transport modes.
- 3.2. The MIQ notes that in order to achieve sustainable development, the Draft Plan aligns with the concept of '20-minute neighbourhoods' and 'local living'.
- 3.3. The Draft Plan notes that 'one of the core principles [of this approach] is to ensure places are accessible by everyone on foot, wheeling, by cycle, by public transport and without having to use a car'.
- 3.4. The Draft Plan states that in applying these principles, new extensions to existing settlements provides an opportunity to take a holistic approach to an area. It notes that 'it is essential they are designed to be well integrated and avoid being isolated additions which further compound issues of car dependency'.
- 3.5. The Parish Council are concerned that the proposed large scale allocations of the plan under Policy DPSC1 and at Sayers Common, including through Policy DPSC3, fail to provide for the delivery of development that would be well-integrated and contribute to a reduction in car dependency.

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<sup>6</sup> as detailed on the Proposals Map 7 and 7b: Burgess Hill - accompanying the adopted Development Plan

- 3.6. The Draft Plan acknowledges that Sayers Common currently has limited connectivity by non-car modes of transport to higher tier centres. Appendix 3, contains a 'potential active travel route' between the settlement and Burgess Hill, to facilitate and encourage access to the town, and other centres by public transport, in particular by rail. However, there is no clear mechanism for the delivery of such a route.
- 3.7. Furthermore, it is noted that Policy DPSC3, DPSC4, DPSC5, DPSC6 and DPSC7 all seek for development proposals to be accompanied by financial contributions towards the provision of improvements at Hassocks Station. This infers that it is considered futures residents of the development may be equally, or more, likely to use this rail connection point to access higher tier centres.
- 3.8. This would be likely to result in additional traffic movements through the centre of Hurstpierpoint. The High Street already experiences considerable levels of congestion, in particular at peak commuting times.
- 3.9. Such an access route would also require travel through the Stonepound Crossroads which is a designated Air Quality Management Area.
- 3.10. The Mid Sussex Transport Study<sup>7</sup> highlights the Draft Plan developments would result in a 'significant' junction impact within Hurstpierpoint High Street at the junction with the B2117 and a 'severe' junction impact at Stonepound Crossroads<sup>8</sup>.
- 3.11. The Parish Council are concerned that the quantum of development envisaged within the Parish will result in potentially significant impacts on existing travel routes. It is considered that this is particularly a risk in respect of the development at Sayers Common, given the settlement is currently considered less sustainable and has limited accessibility by non-modes of transport.
- 3.12. The justification for the allocation of land for development in Sayers Common is underpinned by the need for a step change in infrastructure delivery. Given this, and the prospective impact on the public highway network, it is considered that such development should be accompanied by a Masterplan, and Infrastructure Delivery Strategy, for improvements in the accessibility of the settlement to higher tier centres by non-car modes of transport.
- 3.13. It is considered that this should not be deferred to post allocation. The Draft Plan sets out that it is a fundamental requirement underpinning the appropriateness of the allocation<sup>9</sup>. The requisite enhancements to non-car modes of travel should therefore be embedded within the Draft Plan.
- 3.14. The Parish Council consider the same requirements should apply to the 1350 dwellings proposed for the development on 'land west of Burgess Hill/ north of Hurstpierpoint. This development is segregated from the centre of Burgess Hill by the Jane Murray Way. It is not currently readily accessible to the services and facilities in the town centre, including the rail station.
- 3.15. It is considered that a Masterplan and Infrastructure Delivery Strategy for improvements in the accessibility of the site to the town centre should be embedded within the Draft Plan.

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<sup>7</sup> Scenario 6 Interim Report - 16th August 2024

<sup>8</sup> For example Table 5 of Scenario 6 Interim Report - 16th August 2024

<sup>9</sup> Objective 4 of the 'Vision and Objectives for Growth and Sayers Common'

3.16. In the absence of this, it is considered that the Draft Plan, and in particular the development allocations at Sayers Common and west of Burgess Hill/ north of Hurstpierpoint conflict with the tests of soundness set out at paragraph 35 and the requirements of Chapter 9 of the NPPF.

#### 4. MATTER 5: FLOOD RISK

- 4.1. Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 4.2. Paragraph 166 states that strategic policies should be informed by a Strategic Flood Risk Assessment (SFRA), and should manage flood risk from all sources. This should consider cumulative impacts in, or affecting, local areas susceptible to flooding.
- 4.3. Paragraph 167 states that all Plans should apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change, so as to avoid, where possible, flood risk to people and property.
- 4.4. The Evidence Base that supported the statutory consultation of the Regulation 19 Draft Plan appeared to rely on the MSDC SFRA (Level 1), dated June 2015.
- 4.5. A subsequent Level 1<sup>10</sup> and Level 2<sup>11</sup> SFRA were published in the summer of 2024, after decisions were made in relation to housing allocations in the Draft Plan.
- 4.6. The Parish Council is concerned that the Draft Plan was not prepared with the requisite evidence base in respect of flood risk. In this regard it is noted that the Level 1 SFRA acknowledges the material changes in guidance on flood risk since the 2015 document was prepared<sup>12</sup>.
- 4.7. It is noted that the decision to allocate significant development on land at Sayers Common within the Draft Plan was made against the evidence of the June 2015 Level 1 SFRA, which noted that *“numerous records of historical flooding exist in and around Sayers Common predominately due to poor surface water drainage systems ...”*<sup>13</sup>
- 4.8. The more recent Level 1 SFRA notes the risk from surface water flooding in the area, including in respect of land covered by the majority of the housing allocations. This therefore triggered the requirement to prepare a Level 2 SFRA.
- 4.9. This identifies that there is a 1 in 100 year or greater risk of surface water flooding in existing built up areas of Sayers Common, and surrounding hinterland, including the majority of the sites allocated for housing<sup>14</sup>.
- 4.10. The SFRA Level 2 concludes that as these sites are at risk from surface water flooding, it will be necessary to assess the development under design flood conditions and provide appropriate

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<sup>10</sup> Level 1 Strategic Flood Risk Assessment Final Report - Mid Sussex District Council - July 2024

<sup>11</sup> Mid Sussex District Council Level 2 Strategic Flood Risk Assessment - August 2024

<sup>12</sup> Paragraph 1.9 - Level 1 Strategic Flood Risk Assessment Final Report - Mid Sussex District Council - July 2024

<sup>13</sup> Appendix C Mid Sussex District Council Strategic Flood Risk Assessment - Level 1 - June 2015

<sup>14</sup> See plans at Appendix 1 - Site Assessment Summary Tables of the MSDC Level 2 SFRA - August 2024



mitigation. It notes in respect of land allocated for development under Policy DPSC3, safe access/ egress to the wider area should be considered in more detail as part of a Flood Emergency Evacuation Plan, given the flood risk to parts of Reeds Lane and Henfield Road<sup>15</sup>.

- 4.11. Given the acknowledged flood risk to Sayers Common and its hinterland, and the quantum of development in the Draft Plan, the Parish Council consider that the allocations should be assessed holistically in relation to flood risk.
- 4.12. The allocations at Sayers Common should be supported by a Masterplan, which collectively assesses and mitigates the risk, including through phased delivery with requisite infrastructure.
- 4.13. In the absence of this, it is considered that the Draft Plan conflicts with the tests of soundness set out paragraph 35, and the guidance on flood risk in Chapter 14 of the NPPF.

## **5. MATTER 6: HOUSING**

- 5.1. The MIQ notes that to determine the minimum number of new homes required over the plan period, the housing policies should be informed by the Government's local housing need methodology.
- 5.2. The Strategic Housing Market Assessment<sup>16</sup> (SHMA) summarises the approach to calculating Local Housing Need based on the 'standard method'.
- 5.3. It calculates a minimum local housing need of 1,093 dwellings per annum. This is comprised of a demographic baseline of household growth of 710 dwellings per annum, taken from the 2014 based household projections, with an uplift affordability of 154%, based on the 2020 Median Workplace-Based Affordability Ratio.
- 5.4. The SHMA notes that the latest set of sub-national population projections (SNPP) were published by ONS in March 2020 (based on 2018 national population projections). This shows a decline in the projected growth of the population compared to the 2014 based figure.
- 5.5. The SHMA notes that the percentage of population change in the district over the Plan period is a reduction in growth from 12.5% in 2014 based assumptions to 7.5% based on 2018 based assumptions.
- 5.6. The application of this change has significant implications for the overall increase in the population of the district over the Plan period (from potentially 19,199 down to 11,394). The SHMA states that the 2018 based projections are likely to be more realistic in terms of trend-based projection<sup>17</sup>.
- 5.7. The SHMA considers that the projected level of housing need based on the 2018 SNPP is likely to be 525 homes per annum which increases to 622 homes per annum with an adjustment to the formation rates of the population aged under 45.
- 5.8. In light of this, the Parish Council consider that the local housing need figure within the Draft Plan of 1,093 is significantly above the local housing need for the district as determined by reference to up to date trend based projections.

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<sup>15</sup> see details under Policy DPSC3 - Appendix 1 - Mid Sussex District Council Level 2 Strategic Flood Risk Assessment - August 2024

<sup>16</sup> Strategic Housing Market Assessment - Mid Sussex District Council - October 2021

<sup>17</sup> Paragraph 6.35 of Strategic Housing Market Assessment - Mid Sussex District Council - October 2021

- 5.9. The SHMA notes that a delivery of housing above local housing need is likely to result in an increase in the number of vacant homes; and it is a reasonable assumption that in response to this, house builders would slow down house building rates (to better align supply with demand). This indicates that an over provision of housing would not result in improved housing affordability.
- 5.10. Taking the above factors into account, the Parish Council consider that the inputs used to determine the level of local housing need that informs the housing policies of the Draft Plan should be amended, to reflect the 2018 based national population projections.
- 5.11. This would result in a lower overall level of housing need, and the Draft Plan should seek to facilitate housing numbers that more closely align to the latest need projections.
- 5.12. The Parish Council also consider that the ONS data contained within the SHMA evidences that there is a greater demand in the district for smaller homes<sup>18</sup>.
- 5.13. The Parish Council considers that Policy DP7 of the Draft Plan should be amended to require a greater proportion of new residential properties are comprised of 1, 2 and 3 bedroom homes, to better align to the needs of the resident community.

The Parish Council appreciates the opportunity to put forward further Representations in writing and in person, to help inform the Stage 1 Examination of the draft Mid Sussex District Plan 2021-2039.

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<sup>18</sup> Chapter 9 of Strategic Housing Market Assessment - Mid Sussex District Council - October 2021