

Mid Sussex District Plan Review Examination

Our ref 65901/01/MS/HBe
Date 27 September 2024
From Lichfields obo Berkeley Latimer

Subject Matter 3: Vision, Objectives and Spatial Strategy

This hearing statement has been submitted by Berkeley Latimer (BL). BL is promoting the 'Land South of Reeds Lane' (DPSC3) 'Significant Site' for 2,000 homes in Sayers Common.

1.0 Issue 1: Whether the Spatial Vision and Objectives for Mid Sussex Council are justified, effective, consistent with national policy and positively prepared?

Q30. Does the Spatial Vision for the 2018 District Plan remain relevant?

1.1 Yes. BL supports the 'District Plan Vision'¹ – consistent with that of the 2018 District Plan – which envisages the district being:

“A thriving, attractive and resilient District, which is a highly sustainable and desirable place to live, work and visit. Our aim is to maintain, and where possible, improve the social, economic and environmental well-being of our District and the quality of life for all, now and in the future.”

1.2 BL, through the delivery of 'Land South of Reeds Lane' (DPSC3), will help the Council realise this vision and deliver a highly sustainable place to live, work, and visit that is both thriving and attractive.

Q31. Are the Plan objectives which have been identified relevant; justified; and consistent with National Policy?

1.3 Yes, BL supports the objectives set and consider them sound². In particular, BL's development of 'Land South of Reeds Lane' (DPSC3) will support the following objectives:

- (1), (2), (12) and (15) – To support sustainable communities which embody 20-minute neighbourhoods and encourage a healthy and enjoyable lifestyle.
- (3), (4) and (5) – To deliver well design places that protect valued landscapes, biodiversity, and the built environment (including their historical and visual qualities).
- (6) – To ensure development is accompanied by infrastructure in the right place at the right time, including the provision of sustainable transport networks.
- (7) – To promote a place which is attractive to businesses.

¹ Chapter 5, page 27 (DP1)

² See Chapter 5, pages 27 to 30 (DP1)

- (13) – Helping to the support the district in providing the amount of type of housing needed; noting that BLs site will deliver 2,000 homes in the plan-period.

Q32. Is the Plan period justified, effective and consistent with national policy in particular paragraph 22 of the Framework? Should it be extended, if so, why?

- 1.4 No. The plan (DP1) as submitted will not be consistent with national policy in terms of its proposed plan-period (2021 to 2039). NPPF (Sep 2023) Paragraph 22 requires a minimum of a 15-year plan period. Upon the plan’s likely potential adoption timescales (assuming this is post April 2025) the plan-period will look ahead less than 15-years. Therefore, **BL objects** to the plan on this basis as it would not be consistent with national policy (Paragraph 35d, NPPF Sep 2023).
- 1.5 Notwithstanding, the Council has already suggested a schedule of proposed modifications (DP2) including proposed modification M1³ seeks to extend the plan-period to 2040; ensuring there would be a 15-year minimum plan-period.
- 1.6 BL supports this modification (M1) to extend the plan-period. Doing so would ensure that the plan is consistent with national policy, and it would resolve BL’s soundness objection.

2.0 Issue 2: Whether the Spatial Strategy is justified, positively prepared, effective, and consistent with national policy?

Q33. Chapter 6 of the Plan relates to the District Plan Strategy. However, there is no explicit strategy within the Plan as submitted rather four principles and a distribution of development based on commitments, and existing and proposed allocations. Is there an overall spatial strategy which sets out the pattern, scale and design quality of places and makes sufficient provision for development and infrastructure as required by paragraph 20 of the Framework? If so, how would this strategy influence decision- making, and has it been positively prepared, justified, and effective?

- 2.1 BL considers that Chapter 6 read as a whole identifies a positively prepared, justified, and effective spatial strategy to meet the district’s needs. The Council’s current strategy had been to focus growth on the three towns in the district: Burgess Hill, East Grinstead, and Haywards Heath⁴. In addition, it is to deliver proportionate growth at other settlements to meet local needs and support local services⁵. Given the extended plan-period of this plan and site availability, the Council has had to revisit this strategy⁶.
- 2.2 In revisiting this strategy, the Council highlights that there are environmental and infrastructure constraints⁷. It has also reviewed potential sites for allocation and identified areas within the district that have – in its view based on constraints and site availability – higher potentials for growth. This includes Sayers Common and Copthorne. In addition,

³ Page 3, DP2.

⁴ Chapter 6, first two paragraphs, (page 32, DP1)

⁵ Chapter 6, first two paragraphs, (page 32, DP1)

⁶ Chapter 6, third paragraph, (page 32, DP1)

⁷ Chapter 6, fifth paragraph, (page 32, DP1)

Burgess Hill and other small settlements have the potential for proportionate growth⁸. Ultimately, it is concluded that it is “*necessary to revise the 2018 District Plan strategy insofar as it relates to additional growth beyond that already planned for*”⁹.

- 2.3 The updated plan strategy is therefore summarised on Page 33 of the Plan with four themes (Chapter 6, DP1). It is to (1) protect the High Weald National Landscape; then (2) make effective use of land; then (3) grow existing sustainable settlements (where sustainable to continue doing so and where sites are available); and then finally (4) extend existing settlements where there is the opportunity to improve their sustainability. This is supported by the wider evidence base including the SA (DP7) (see our response to Q5 to Q7) within which the reasonable alternatives are tested and the site selection documents (SSP1 to SSP5) (see our response to Q5 to Q7). This process is also summarised in the ‘Housing Need and Requirement’ Topic Paper (H5)¹⁰.
- 2.4 Ultimately, this approach has been translated into the plan through its policies and allocations. For example, development at Sayers Common is proposed whereby the Council are seeking to allocate sites that will deliver a sufficient critical mass of new infrastructure to make this settlement more sustainable. It is a site outside the High Weald National Landscape and follows other allocations and policies that seek to make the effective use of land (i.e brownfield land) following the preparation of an Urban Capacity Study (H3): for example policies DPB1 and DPC1. It also follows further allocations that have been made around principal settlements – including at Burgess Hill (Policy DPSC1) – with the Council then allocating development at Sayers Common. This development will be implemented in accordance with policies DPSC GEN, DPSC3 to DPSC7, and other development management policies to ensure homes supported by sufficient infrastructure (appropriately phased and funded by proportionate contributions) will come forward to make the settlement sustainable through growth.
- 2.5 In this context, BL supports the proposed strategy which is considered to be positively prepared, justified, and effective.

Q34. Does the spatial strategy make the effective use of land including previously developed land?

- 2.6 Yes.
- 2.7 Policies in the plan seek to make the effective use of brownfield land by increasing densities. For example, policy DPB1 seeks to ‘optimise the potential of the site to accommodate development’ (DPB1[8]).
- 2.8 There are also urban allocations to regenerate and deliver new higher density housing in urban areas such as DPA3 (300 homes at Burgess Hill Station: c. 86 dph gross) and DPA8 (100 homes at Orchards Shopping Centre: c.52 dph gross).
- 2.9 The Council also commissioned an ‘Urban Capacity Study’ (H3). This concluded that there was a potential of c. 466 homes from brownfield sites in Category 1 and Category 2

⁸ ‘Potential for Growth at Settlements’ table (page 33, DP1).

⁹ First paragraph (below table) (page 33, DP1).

¹⁰ As summarised between paragraphs 47 to 103 (H5).

settlements on large sites¹¹. In addition, there may be 104 additional homes that come forward annually from smaller windfall development and other sources¹².

- 2.10 Taken together, BL considers the spatial strategy would make effective use of land: principally brownfield land noting its likely urban capacity while supporting the optimisation of brownfield sites.

Q35. Is this strategy sufficiently clear to decision-makers, developers, and local communities as to where the majority of new development including infrastructure will be located? Is it consistent with the policies of the Plan?

- 2.11 Yes. BL considers that the strategy is clearly defined and justified within Chapter 6 of the plan (DP1) and the 'Key Diagram' (page 42) shows where development is distributed. Individual site policies then show the extent of allocations.
- 2.12 Notwithstanding, the 'Key Diagram' could be replaced to show the areas of the allocations more clearly (e.g. with site areas akin to the built-up areas indicatively shown). This is not a soundness objection but a suggestion to make the 'Key Diagram' more useful so one can see the development planned for across the district more easily in one diagram.

Q36. How were the settlements defined as different categories and how did the Council decide on the scale and level of growth attributed to the different areas/settlements in the Plan? Is this justified?

- 2.13 The Council's categorisation of settlements reflects that in the adopted District Plan (2014-2031) (Policy DP4)¹³. This site categorisation was found sound in said plan adopted only in 2018. It is therefore considered justified.
- 2.14 Next, the Council's assessment of the 'potential for growth' at settlements (as summarised at the table on Page 33 of the plan) is the amalgamation of the Council's view as to the outcome of its whole site selection process as summarised in document H5 (with further detail in document SSP3 in particular as well as testing different growth options in the SA [DP7]). This process concludes that areas such as Copthorne and Sayers Common have higher potential for growth (i.e. Option 2 growth), while others such as Burgess Hill can continue to support proportionate growth (i.e. Option 1 growth) and others such as East Grinstead cannot.
- 2.15 In justifying the scale of growth proposed at some settlements, the Council notes that many villages have seen the closure of public houses and shops. It also observes that people are needing to travel further to services causing traffic issues as places have grown via more piecemeal development¹⁴. This has led to a strong reliance on private vehicle use with population increasing without the critical mass to support new facilities and services¹⁵.

¹¹ Table 12 (page 28, H3).

¹² Paragraph 6.8, (page 45, H3).

¹³ See table on page 32 of the District Plan (2018).

¹⁴ Third paragraph (page 39, DP1).

¹⁵ Second paragraph (page 39, DP1).

Against this, the Council recognise that growth at scale can deliver infrastructure: built out using 20-minute neighbourhood principles reducing the reliance on private vehicles¹⁶.

- 2.16 Sayers Common is a ‘medium village’ (Category 3) for which the Council plans significant growth to deliver this strategy. It currently only has ‘essential services’ for the needs of its residents: with a pre-school, an independent school, and a small community shop alongside a public house¹⁷. Sites have been promoted through this plan and the Council has considered them to be suitable for allocation¹⁸. These sites fall within an area outside the High Weald National Landscape but do not relate to an existing sustainable settlement. The Council has then determined that allocating the sites put forward in combination would be able to deliver a sufficient critical mass to support key education, sustainable transport and community facilities as well as wider infrastructure (such as a wastewater treatment and drainage). This would serve the current and future populations and be secured via planning policies (i.e. DPSC3).
- 2.17 The above serves to demonstrate that the Council’s logic in deciding where growth should be and how different settlements are categorised in terms of both the hierarchy but also that their potential for growth is justified.

Q37. How does the spatial strategy and the distribution of development relate to neighbouring settlements outside of the District such as Crawley to the north?

- 2.18 No comment.

Q38. Is the strategy and distribution of development consistent with paragraph 105 of the Framework which states that the planning system should actively manage patterns of growth and focus significant development in locations which are, or can be made sustainable and paragraph 124 of the Framework which references the need to achieve appropriate densities so as to optimise the use of land in their area?

- 2.19 Yes.
- 2.20 BL considers that the plan is consistent with Paragraph 105 of the NPPF (Sep 2023) which seeks to focus ‘significant development’ on locations which either **are or can** be made sustainable. It is also consistent with Paragraph 124 of the NPPF (Sep 2023). This national policy – as a whole – seeks to make efficient use of land by optimising delivery: building at appropriate densities.
- 2.21 The allocations for significant development at Sayers Common – including BLs allocation for 2,000 homes at ‘Land South of Reeds Lane’ (DPSC3) – demonstrates this consistency. The village can be made sustainable via the delivery of homes to create a critical mass; enabling the delivery of on-site infrastructure alongside measures – such as the implementation of sustainable transportation enhancements (including a new bus link –

¹⁶ Sixth paragraph, (page 38, DP1).

¹⁷ From our own review of community infrastructure in the village.

¹⁸ As deliverable and developable sites, see Appendix 6 in document H4.

see the ‘Sayers Common Mobility Strategy’ for more information¹⁹– and a shared active travel route to Burgess Hill as required by Policy DPSC3), a ‘monitor and manage’ transport approach, and designing in 20-minute neighbourhoods – that will limit the need of current and future residents to travel. In addition, it will be built out at appropriate densities (assumed densities of between 30-40 dph – as per the ‘Vision Document’, with more up-to-date design work assuming an ‘average’ density of 40 dph: ranging across the site from 25 to 50 dph²⁰) that will support the 20-minute neighbourhood concept; but reflecting also the site’s location and the housing market locally (see also our response Q47, Matter 4).

Q39. How have the constraints within the District, such as the High Weald Area of Outstanding Natural Beauty and the setting of the South Downs’ National Park influenced the strategy of the Plan?

2.22

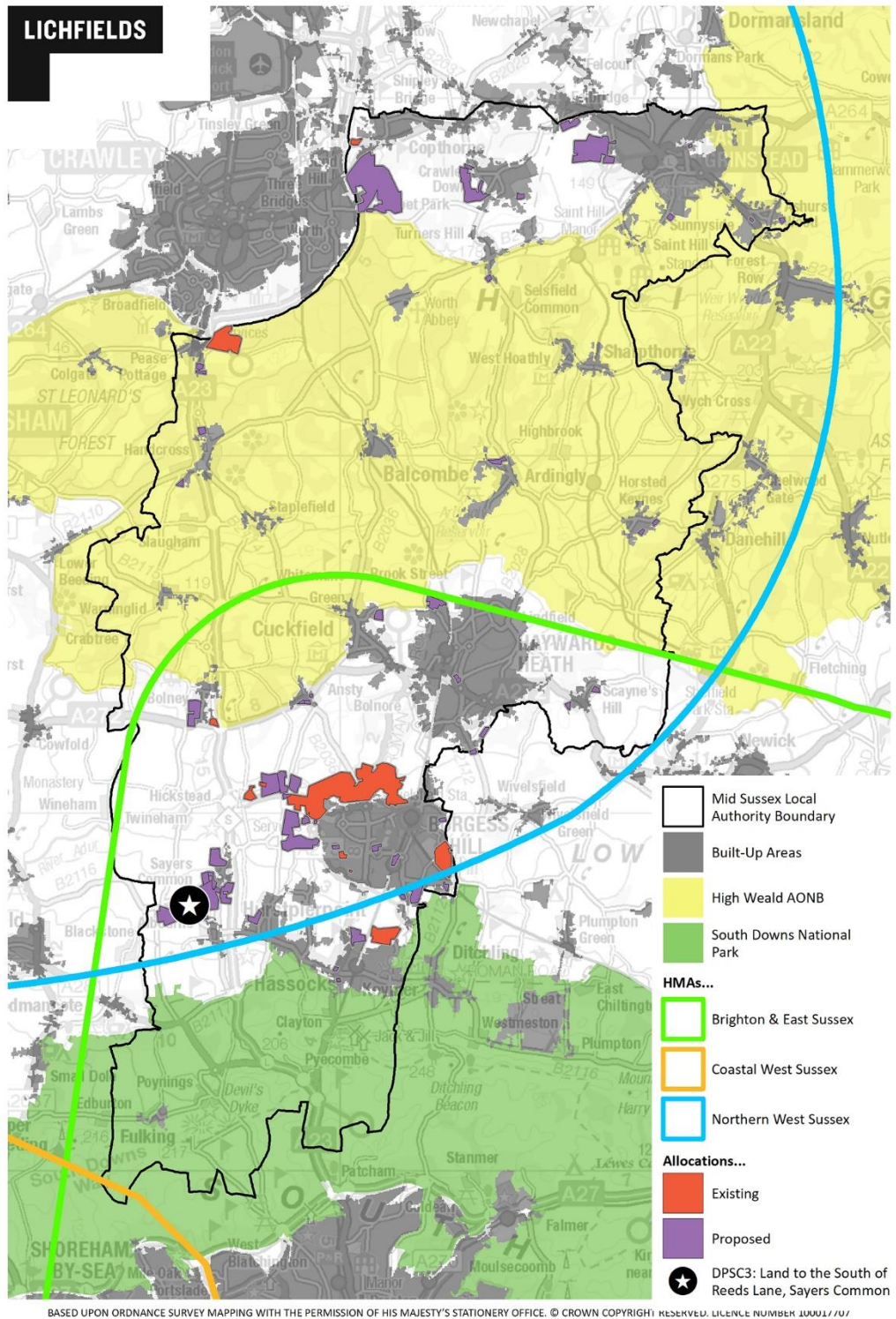
While this is primarily a question for the Council to answer, it is clear from the plan’s strategy (detailed in Chapter 6 of the plan) that the plan’s spatial strategy has been influenced by the presence of the High Weald National Landscape (cutting across the central area of the district) and the National Park (to the south). The proposed growth through this plan has been directed to areas outside these constrained areas; with the proposed three significant site allocations – a scale of proposed growth that will provide supporting new services to meet day-to-day needs – all unaffected by these specific constraints (as shown in Figure 1 below).

¹⁹ See Appendix F. Available here: <https://berkeley-group.sharefile.eu/d-s8deeo8o8bd3f43448316316b38582b8d> (due to be submitted to the examination).

²⁰ This more up-to-date assessment is based off the latest ‘Framework Masterplan’ which itself is appended to an SoCG that is due to be submitted by the Council to this examination.

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Figure 1 Adopted and Proposed Allocations in Mid Sussex District (with key constraints)



Source: Lichfields

2.23 It should also be noted that the supporting ‘Housing Need and Requirement Topic Paper’ (H5) concludes that the preferred spatial Option (Option 2) would best help protect the High Weald²¹ and that continuing wholly with Option 1 could lead to growth in sensitive landscape areas such as the National Landscape north of Haywards Heath and south/east of East Grinstead²².

2.24 Overall, this approach is considered justified and consistent with national policy.

Q40. To what extent was the preferred combination of options 1 and 2 chosen on the basis of a justified and proportionate evidence base?

2.25 BL considers that the preferred combination of Options 1 and 2 for the spatial strategy is justified and based on proportionate evidence. BL comes to this view drawing on our response to Matter 1 (Q5) and our response to other questions for this Matter. The Council has summarised its approach and reasoning behind why it came to the preferred combination of spatial Options 1 and 2 in document H5²³.

2.26 First, the Council has undertaken an assessment of the sites in its SHELAA (SSP4 and SSP5). These sites have then been assessed through the Council’s own site selection methodology (SSP1 – SSP3). As per document H5, the Council notes the same methodology was employed as for the adopted ‘Site Allocations DPD’ (adopted in June 2022)²⁴. From this process, 49 sites pass to the final stage and were considered for further testing (noting that a further 3 sites were submitted during the Regulation 19 consultation but were all rejected)²⁵.

2.27 These sites were then tested through the SA (DP7) as were different spatial strategies that responded to the sites potentially available for allocation. This led to the conclusion that implementing Option 2 and to an extent continuing with the current strategy (Option 1) would meet the Council’s development needs in full and represent the most sustainable form of development: building out appropriate ‘significant sites’ available outside the High Weald that would deliver infrastructure²⁶.

2.28 In adopting this approach, the Council would protect the High Weald National Landscape, make effective use of brownfield land (via its allocations and wider policies adopted – as per our response to Q34), continue to grow settlements proportionately where sites were available (noting infrastructure and environmental constraints), and then finally to grow existing smaller settlements to improve their sustainability²⁷. This approach would also meet the district’s own housing needs in the logical location for development within the district (as shown on Figure 1 above and in our response to Q27, Matter 2) and provide infrastructure to support the sustainability of settlements.

2.29 Therefore, BL concludes the preferred spatial option is justified and based on proportionate evidence.

²¹ Paragraph 70 (page 12, H5)

²² Paragraph 69 (page 12, H5)

²³ Paragraphs 52 to 93 (pages 10-16, H5)

²⁴ Paragraph 52 (page 11, H5).

²⁵ Paragraph 57 (page 12, H5).

²⁶ Paragraph 83, bullet 1 (page 14, H5).

²⁷ Paragraph 81 (page 14, H5)

Q41. Does the spatial strategy look sufficiently further ahead, particularly in relation to larger developments that go beyond the Plan period, such as DPSC1: Land to the West of Burgess Hill/ North of Hurstpierpoint; DPSC2: Land at Crabbet Park and DPSC3: Land to the south of Reeds Lane, Sayers Common?

2.30 No. Paragraph 22 of the NPPF (Sep 2023) requires strategic policies to look ahead over a minimum of 15 years but also states:

“Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery”

2.31 Policy DPSC3 – in combination with others at Sayers Common – involves a significant extension to an existing village expected to deliver across the plan-period. In BLs opinion, policy DPSC3 does not look ahead beyond the plan-period and **BL therefore objects** to it as it is not consistent with national policy.

2.32 The plan should recognise that in delivering the allocations around Sayers Common, there will be a significant improvement to the sustainability of the settlement. This should be reflected in the elevation of the settlement in the next review of the Settlement Hierarchy and may result in future opportunities for sustainable growth. A modification should be made to one or both of policies DPSC GEN and DPSC3 to this effect to ensure the plan is consistent with national policy. Such a modification would resolve BLs current objection.

Q42. What reasonable alternative options were considered as part of the Plan’s preparation and why were they discounted?

2.33 While this is considered a question primarily for the Council to answer, document H5 summarises the testing of alternatives in terms of different spatial options and sites. Regarding spatial options, the Council considered creating a whole new settlement (Option 3) – not connected to an existing settlement – but concluded this may not be feasible or deliverable as no site options were put forward²⁸. Other options included a focus on development in the three main towns (Option 4) and prioritising brownfield development (Option 5). These were discounted owing to not allowing smaller settlements to grow (in the case of Option 4) and not meeting housing needs (for both options)²⁹.

Q43. Are any main modifications necessary for soundness, if so, why?

2.34 Yes. As per our response to Q41, a modification is required to one or both of Policies DPSC GEN and DPSC3. This would be to add text to ensure the plan – in the case of the Sayers Common allocations – looked further ahead beyond the plan-period. Notwithstanding, the Council is taking a positive and logical approach to meeting its development needs. It will move settlements up the hierarchy, and this will enhance opportunities for future growth that come with such a move.

²⁸ Paragraph 72 (page 13, H5)

²⁹ Paragraphs 72-76 (page 13, H3)



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