



**MID SUSSEX**  
**DISTRICT COUNCIL**

# **Statement of Common Ground**

**Mid Sussex District Council and  
Natural England**

**August 2024**

### 1. List of parties involved

Mid Sussex District Council  
Natural England

### 2. Signatories



Date: 20/08/2024  
Mid Sussex District Council  
Ann Biggs, Assistant Director for Planning and Sustainable Economy

Date: 20/08/2024



Natural England  
Senior Officer Sustainable Development  
Sussex and Kent Area Team

### 3. Strategic Geography

Mid Sussex is a rural district situated within the county of West Sussex.

Nearly 50% of Mid Sussex District is within the High Weald National Landscape/ Area of Outstanding Natural Beauty (AONB), and approximately 11% is within the South Downs National Park.

A small part of Mid Sussex District lies within Southern Water's Sussex North Water Resource Zone (WRZ) and development within this area will need to demonstrate it is water neutral in order to protect the nature conservation sites in the Arun Valley.

The north-east part of Mid Sussex District falls within the 7km zone of influence for the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

#### 4. Strategic Matters

The strategic matters for the Parties are:

- Habitats Regulations Assessment (HRA)
- Ashdown Forest SPA and SAC
- Water neutrality
- High Weald National Landscape/ AONB
- Local Nature Recovery Strategy (LNRS)
- Policies and proposed site allocations in the Mid Sussex District Plan 2021-2039

#### **Outcomes**

##### HRA

MSDC has undertaken a HRA to determine whether the District Plan, in combination with other plans and projects, is likely to have an adverse effect on the integrity of internationally important wildlife sites. These include the Ashdown Forest SPA and SAC for recreational pressure and atmospheric pollution, and the Arun Valley SPA, SAC and Ramsar site for water abstraction.

Natural England has seen and commented on the HRA at Regulation 18 and Regulation 19 stage. Natural England concurs with the conclusions of the HRA for the Mid Sussex District Plan.

##### Ashdown Forest SPA and SAC

Mitigation measures are necessary to counteract the effects of potential increasing recreational pressure and are required for developments proposing a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA.

The Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach set out in Policy DPC6 aligns with the strategic solution for recreational disturbance on the Ashdown Forest SPA and this is supported by Natural England.

##### Water neutrality

Although Natural England did not issue the Position Statement (September 2021) to MSDC, a small part of Mid Sussex District lies within Southern Water's Sussex North Water Resource Zone (WRZ) and this means that development within this area will need to demonstrate it is water neutral in order to protect the nature conservation sites in the Arun Valley. Both MSDC and Natural England have been involved with the discussions of the main issues and identifying the next steps for water neutrality. A joint local authority-

and South Downs National Park-led Sussex North Offsetting Water Scheme (SNOWS) is being prepared and this work is ongoing.

#### High Weald National Landscape/ AONB

Section 85 of the Countryside and Rights of Way Act 2000 (as amended) places a statutory duty on all relevant authorities, including a local authority such as Mid Sussex District Council, that in exercising or performing any functions in relation to, or so as to affect, land in an AONB, they must seek to further the purpose of conserving and enhancing the natural beauty of the AONB.

Both Parties are involved with the High Weald National Landscape Partnership and have contributed to the preparation of the High Weald AONB Management Plan.

#### Local Nature Recovery Strategy

Local nature recovery strategies (LNRS) are a new nationwide system of spatial strategies to help reverse the decline of biodiversity and were introduced through the Environment Act 2021. A LNRS will:

- Agree priorities for nature's recovery
- Map the most valuable existing areas for nature
- Map specific proposals for creating or improving habitat for nature and wider environmental goals

Each LNRS will be locally led by a 'responsible authority'. In Sussex the responsible authorities will be West Sussex County Council for the West Sussex LNRS and East Sussex County Council for the East Sussex and Brighton & Hove LNRS. As a local authority, Mid Sussex District Council is a 'supporting authority' for the LNRS along with Natural England.

The preparation of the LNRS is underway and both Parties contribute together with other local authorities and stakeholders.

#### Policies and proposed site allocations in the Mid Sussex District Plan 2021-2039

Policies and the detailed policy requirements for the proposed site allocations have been developed in consultation with stakeholders including Natural England. Comments received have been taken on board and are reflected in the updated policy wording.

MSDC has prepared a background paper to assess the potential impact of the SHELAA sites on the High Weald AONB. This work forms part of the site selection process and background evidence for the District Plan. MSDC has also prepared a background paper to assess if the proposed site allocations within the High Weald AONB could be regarded as major development.

In its Regulation 19 representation, Natural England commented that the District Plan has many positive aspects including a vast array of policies relating to the natural environment

and is pleased to see standalone policies for both the South Downs National Park and the High Weald AONB. Natural England supports the majority of the policies in the District Plan but highlighted several amendments within its Regulation 19 representation that it considered necessary. Appendix 1 summarises Natural England’s Regulation 19 representation.

## 5. Governance Arrangements

The Parties are committed to working positively together and sharing information and best practice throughout the plan preparation phase and beyond.

The Parties have engaged on an ongoing basis throughout the preparation of the District Plan. Specific engagement has taken place at key stages during plan preparation including Regulation 18 and Regulation 19.

Natural England and MSDC agree that they have engaged on an ongoing basis throughout preparation of the District Plan and on this basis that the duty to co-operate has been met.

Both Parties attend the following groups, and this co-operation and collaboration takes place at officer level:

### Ashdown Forest SPA and SAC

- SAMM Partnership
- Ashdown Forest Working Group (air quality)

### Water neutrality

- Water Neutrality Lead Officers Group (WNLOG)

### High Weald National Landscape/ AONB

- High Weald Joint Advisory Committee

### Local Nature Recovery Strategy

- Sussex LNRS Working Group
- Sussex LNRS Supporting Authorities Group

## 6. Timetable for review and ongoing co-operation

| <b>LPA</b> | <b>Present Plan Adoption</b> | <b>Proposed Plan Review Date</b> | <b>Regulation 18 Date</b> | <b>Regulation 19 Date</b> | <b>Submission Date</b> |
|------------|------------------------------|----------------------------------|---------------------------|---------------------------|------------------------|
|------------|------------------------------|----------------------------------|---------------------------|---------------------------|------------------------|

|                             |            |           |                  |                 |           |
|-----------------------------|------------|-----------|------------------|-----------------|-----------|
| Mid Sussex<br>District Plan | March 2018 | 2022-2024 | November<br>2022 | January<br>2024 | July 2024 |
|-----------------------------|------------|-----------|------------------|-----------------|-----------|

## Appendix 1: Summary of Natural England’s Regulation 19 representation

It is recommended that this Appendix 1 is read in conjunction with the Statement of Consultation (Regulation 22) (C1) and the Schedule of Proposed Modifications (DP2). The modifications proposed to the Submission Draft District Plan will be considered by the Inspector during the Examination and will be consulted upon after the Hearings when the Parties will be able to comment.

- Natural England supports the following policies and considers them sound – no suggested amendments

| Policy                                    |
|---|
| DPS1: Climate Change                      |
| DPS2: Sustainable Design and Construction |
| DPS5: Water Neutrality                    |
| DPC6: Ashdown Forest SPA and SAC          |
| DPE3: Employment Allocations              |
| DPSC GEN: Significant Sites Requirements  |

- Natural England supports the following policies and considers them sound – minor amendment suggested

MSDC considers that the proposed modifications will satisfy the comments made by Natural England.

| Policy  | MSDC response   |
|---|---|
| DPN3: Green and Blue Infrastructure                 | Proposed modification M31   |
| DPN4: Trees, Woodland and Hedgerows                 | Proposed modification M33   |
| DPN7: Noise Impacts                                 | See Statement of Consultation (Regulation 22) – no proposed modification as the policy already includes a reference.          |
| DPN8: Light Impacts and Dark Skies                  | Proposed modification M41   |
| DPC1: Protection and Enhancement of the Countryside | See Statement of Consultation (Regulation 22) – no proposed modification. The Plan should be read as a whole.                 |
| DPC4: High Weald Area of Outstanding Natural Beauty | Proposed modification M45   |
| DPC5: Setting of the South Downs National Park      | See Statement of Consultation (Regulation 22) – no proposed modification as the supporting text already includes a reference. |
| DPT2: Rights of Way and Other Recreational Routes   | Proposed modification M56   |

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|---|---|
| DPT3: Active and Sustainable Travel               | Proposed modification M59   |
| DPE9: Sustainable Tourism and the Visitor Economy | See Statement of Consultation (Regulation 22) – no proposed modification. The Plan should be read as a whole. |

- Natural England suggests amendments to the following policies and sections to ensure soundness

MSDC considers that the proposed modifications will satisfy the comments made by Natural England.

| <b>Policy or Section</b>  | <b>MSDC response</b>  |
|---|---|
| District Plan Vision  | Proposed modification M3  |
| Strategic Objectives – Environment                                | Proposed modification M4 and M5   |
| Updated District Plan Strategy                                    | Proposed modification M6  |
| DPS3: Renewable and Low Carbon Energy Schemes                     | See Statement of Consultation (Regulation 22) – no proposed modification. The Plan should be read as a whole. |
| DPS4: Flood Risk and Drainage                                     | Proposed modification M15 and M17   |
| DPS6: Health and Wellbeing  | Proposed modification M20   |
| DPN1: Biodiversity, Geodiversity and Nature Recovery              | Proposed modification M22 and M24   |
| DPN2: Biodiversity Net Gain                                       | Proposed modification M27 and M29   |
| DPN9: Air Quality   | Proposed modification M42   |
| DPSC1: Land to the West of Burgess Hill / North of Hurstpierpoint | Proposed modification M81   |
| DPSC2: Land at Crabbet Park                                       | Proposed modification M88 and M89   |
| DPSC3: Land to the South of Reeds Lane, Sayers Common             | Proposed modification M98   |
| DPA4: Land off West Hoathly Road, East Grinstead                  | See Statement of Consultation (Regulation 22) – no proposed modification. The Plan should be read as a whole. |
| DPA7: Land east of Borde Hill Lane, Haywards Heath                | See Statement of Consultation (Regulation 22) – no proposed modification. The Plan should be read as a whole. |