

Statement from Mrs Jacqueline Simmons.

Regulation 19 references 1189185, 1191239,1191333,1191339 & 1191343

Matter 1: Legal and Procedural Requirements Issue 1: Whether the Plan has been prepared in line with the relevant legal requirements and procedural matters?

Sustainability Appraisal

Question 6

The scoring methodology within the SA is not consistent, coherent or accurate.

- a) On surface water flood risk The SA refers in section 3.4.5 on page B-42 that ‘*Development proposals located in areas at low and medium risk of surface water flooding would be expected to have a minor negative impact on pluvial flooding. Development proposals located within areas at high risk of surface water flooding would be expected to have a major negative impact on pluvial flooding.*’
- b) It also states on page B-43 that “*a precautionary approach has been taken whereby if any part of the site is within the threshold outlined above, an adverse score has been assigned*”.
- c) Site DPSC3 is subject to surface water flooding as recorded in the *West Sussex Highways Street Histories*, yet on the appraisal’s page B-73 Table B-45: *Sustainability Performance* of Policy DPSC3 it is given a score of minor positive.
- d) The same case applies to site DPSC6 on page B-78 and other cases exist if a comparison were to be done.
- e) The information that the scoring is based on is inaccurate and not robust which leads to such inconsistencies.
- f) There is also a too great reliance on using statements of intent for the use of generalised mitigation methods in order to improve scores without any investigation or checking if such mitigation could be delivered or would have any impact.
- g) For site DPSC3 on page B-72 the SA states “*There have been wording updates to this policy since the Regulation 18 Plan. Primarily in the delivery of the 20-minute neighbourhood through coordinated public transport services and the retention and enhancement of PROWs which cross the site. It is considered that these additions have improved the policy’s climate change and transport impact from negligible to minor positive as it should reduce residents reliance on private cars (SA Objective 10)*”.
- h) It gives no other details as to what the updates are however in the policy requires for DPSC3 on page 173 of the DP it states 5. “*Two transport mobility hubs located close to/within each of the neighbourhood and local centres. The hubs should include public transport connections with co-location of delivery lockers and shared transport facilities – cycle/E-bike, Car Club, Electric Vehicle charging points, taxi pick-up/drop-off point.*” This impressive description may be appropriate to a large town such as Burgess Hill with its dense population and rail and transport links but not to a rural community. In such a community most of these facilities would not be needed due the high car ownership and plenty of household parking including EV charging.
- i) Even though these measures would not be workable and have little effect on the high car ownership at this rural site they have still been used to improve the scoring for the site to a more positive level.

The lack of consistency, coherence, accuracy and supporting evidence do not therefore give rise to confidence in the scoring results listed in the SA .

Question 7

Although alternatives have been looked at, they have not all been considered with same consistency of depth or approach.

- a. There is the possibility that subconscious bias has crept in with some site selections where for non strategic reasons the site has not been regarded favourably by MSDC.

- b. This is also the case with spatial strategy. The reports produced somehow give a sense that the result had been predetermined in some way before the start. Investigations would then be sub consciously led by that to produce that result
- c. Please see my Reg 19 submission 1189185 section 2d pages 13-17 for examples of unexplained inconsistencies.

Question 8

Reasonable alternatives have not been looked at like for like in equal and sufficient detail to justify not including them. The policy of Sustainable Communities and Allocated Sites has been particularly affected by this.

- a) The stance has been taken by MSDC that when the NPPF states that evidence should be proportionate it should be as minimal and generalised as possible and that they did not need to look specifically at issues with individual sites.
- b) This ignores that what the NPPF 31 on page 9 of it actually says “The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned”
- c) Sustainable Communities and Allocated sites are policies in the DP but the evidence provided to support the inclusion of these policies in the plan has not been adequate.
- d) This difference in the amount of evidence required to allow development of a site by allocating it the DP instead of having to request the same through outline planning permission is vast.
- e) An example is 736 Land at Ansty Farm, Cuckfield Road, Ansty a site considered as a significant site, in the Site Selections Conclusions report pages 8-16. There are 10 paragraphs of explanation given as to why it should not be included but only 3 paragraphs given to site DPSC3 Land to the south of Reeds Lane, Sayers Common as to why that site should be included site, ignoring its negative aspects.
- f) Both sites have similar issues in particular transport but only the issues with the Ansty location were looked at in any detail or even mentioned.
- g) New additional evidence has been published showing the severity of road issues with regards to site DPSC3 but there is no mechanism in the DP to look again at site allocations in light of this with regards to the severity of road issues
- h) Although the site in Ansty was declined for inclusion in the plan the site promoter is still on board and has applied for planning permission under references DM/23/2866 & DM/23/2867 on the MSDC Planning Website. In order to fulfil the process to request outline planning permission they have had to produce nearly 40 separate reports covering all aspects of site. By contrast the site promoter for DPSC3 in the Site Allocations Library has only had to produce one document which is just a small series of high level plans.
- i) If a site is not allocated in the DP but was instead to be put forward in the normal planning process the applicant would need to submit numerous reports and surveys to establish that it meets DP policies and can be granted outline planning permission. If it does not then it can be refused planning permission.
- j) If a site is allocated in the DP, then that replaces the need for outline planning permission. At planning this cannot be challenged as the right to build on the land has been established. If issues such as transport, environmental, flooding or infrastructure are found at planning stage which are not in line with the DP, and that mitigation cannot be found to make them workable, or have very little effect in reducing the issue it still cannot be refused planning permission to build houses on that land.
- k) Thus this results in making it in the site promoter’s interest to provide minimum information about their site and its issues. This can especially be seen with site DPSC3 for which only a few and not completely accurate maps have been produced. Strategic issues affecting it can only be identified at planning when it will be too late.

Taking the approach that proportional evidence at DP stage means that no sites are to be looked at specifically in any detail is a high risk option. Sites that when examined in detail can prove to be unsuitable to deliver the housing requested of them. Similarly rejected sites when looked at in detail could turn out to have been a better option with a greater chance of delivery at less cost.

With regards to the question of if robustness of the SA with the publication of additional evidence, such as transport and flood risk the answer would have to be that it is weakened.

- a. There is no mechanism in the SA or DP for revisiting policies or site selections after such additional information is received.
- b. There were many reports not produced until after Regs 18 and 19 so the public have had no opportunity to examine them or comment on them in detail. For example, the inaccuracies and omissions in the Strategic Flood Risk Assessment Level 1 published in July 2024 and also the level 2 Report. (This is examined in more detail in my statement for matter 5 Flood risk).
- c. The SA in the Evidence Library is dated November 2023, before the Regulation 19 consultation. New evidence or reports received since then have therefore not been considered in it. Inaccurate information in it which has been reported to MSDC has not been corrected.

Consequently the SA lacks the considerable robustness that it needs to have in order for the DP to be found sound.