

Response to “Matter 4: Transport” within the Inspector’s Matters, Issues & Questions in respect of Mid Sussex District Council’s (MSDC) Draft Local Plan Examination in Public (EiP).

Project Reference:	Land at Malthouse Lane, Burgess Hill
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1. Introduction

- 1.1. This response has been prepared by Pegasus Group on behalf of Vistry Group. It provides a response to questions 44 to 51 raised under “Matter 4: Transport” within the Inspector’s Matters, Issues & Questions (MIQs) in respect of Mid Sussex District Council’s (MSDC) Draft Local Plan Examination in Public (EiP). The key issue under identified by the Inspector is:

Issue 1: Whether the Plan is justified, effective and consistent with national policy in relation to transport?
- 1.2. Vistry Group is promoting Land at Malthouse Lane, Burgess Hill (SHELAA ID: 1105) for a new neighbourhood of 750 homes. The development also provides the opportunity to deliver a new 2FE Primary School, public open space and biodiversity features as well as a neighbourhood centre with the potential to house commercial, community, and health facilities.
- 1.3. Vistry Group has made representations to each of the relevant stages of the Local Plan’s preparation (Regulation 18 and Regulation 19; ‘Respondent Reference’ 1191618 and 1191628).
- 1.4. The response to the MIQs set out in this response is therefore written in the context of Vistry Group’s interests in its site at Land at Malthouse Lane and with regard to the previous representations.

2. The Matter 4 Questions and our Response

Response to Question 44

44 – Is the Plan consistent with Circular 01/2022 Strategic Road Network and the Delivery of Sustainable Development and paragraphs 104– 109 of the Framework? How has the Council considered transport issues from the earliest stages of plan making and development proposals particularly given that opportunities to maximise sustainable transport solutions may vary between urban and rural areas?

- 2.1. Paragraph 31 of Circular 01/2022 reiterates the principles of the Framework and states that *“The NPPF expects local plans and spatial development strategies to be underpinned by a clear and transparent evidence base which informs the authority’s preferred approach to land use and strategic transport options”*. Paragraph 31 also states that National Highways *“will expect this process to explore all options to reduce a reliance on the SRN for local journeys including a reduction in the need to travel and integrating land use considerations with the need to maximise opportunities for walking, wheeling, cycling, public transport and shared travel”*.
- 2.2. The NPPG, under *“Delivery of Strategic Matters”* confirms that the Plan making process should identify *“infrastructure deficits and requirements, and opportunities for addressing them”* through an assessment of *“quality and capacity, and its ability to meet forecast demand.”* It goes on to say that a funding statement should be provided which sets out how the delivery of infrastructure will be provided throughout the plan period.
- 2.3. It is not clear how the Council’s evidence base has informed the preferred approach to land use and strategic transport options within the Plan. There appears to be little change in sites that are selected, and most of the sites have been carried through to the Draft Local Plan which is the subject of EIP. The subsequent modelling scenarios include an assessment of modal shift for those sites, to remove any ‘severe’ impacts. It appears that at no point in the assessment process has the existing operation of the highway network been considered in determining the most appropriate location for development sites, nor the potential traffic impact of different sites or a different combination of sites.
- 2.4. Whilst it is noted that transport evidence including junction capacity work has been provided, detail is lacking regarding the infrastructure requirements and their proposed delivery.
- 2.5. Some of the sites selected for allocation are isolated and rural in nature (SHLAA id 601, 799 830, 1003 and 1026 at Sayers Common), and rely heavily on large scale on-site infrastructure to support their delivery. It has not been demonstrated that there will be no unacceptable impact on highway safety, or that the residual cumulative impacts would not be severe (paragraph 115 of the Framework).

Response to Question 45

45 – Following the Regulation 19 consultation on the Plan which is the subject of the examination, National Highways determined that due to potential severe impacts on the Strategic Road Network (the M23 and the A23) the Council would either have to a) consider a different pattern of growth; b) commit to significant highway improvements to the M23 and A23; or c) commit to a more ambitious package of sustainable transport, travel demand management and behaviour change measures and interventions accompanied by a robust ‘monitor and manage’ strategy and approach. What has been the Council’s response to this? Are any consequential main modifications required to the spatial strategy, policies, and timing of delivery of development over the lifetime of the development plan?

- 2.6. The Council has continued to assess different strategies for modal shift. However, this assessment is not considered to provide a comprehensive package that will achieve the objectives. The latest Mid Sussex Transport Study report is dated August 2024. This assesses ‘scenario 6’ which refines the modelling scenarios, including an assessment of more aspirational car trip rate reductions and mode share assumptions. The transport evidence and mitigation strategy is not final and paragraph 1.2.1 says that more work is needed including, including an approach to address any remaining ‘severe’ impacts.
- 2.7. Following National Highways’ Regulation 19 response, the Council has suggested some main modifications to the Plan which now mention a ‘monitor and manage’ approach. We agree with monitor and manage in general. However, we query the effectiveness of this approach, noting that details are lacking.
- 2.8. The main modifications place an emphasis on developers for this to be dealt with in each individual planning application (modification reference M52). The delivery of the sites included in the Plan requires more detailed work to be undertaken to identify the highway infrastructure schemes required to address the cumulative and residual impacts of the Plan and their implementation, including timing of delivery. The approach does not provide high levels of confidence because the mitigation strategy – in addressing the location of a number of the sites – appears very challenging.
- 2.9. The Plan and mitigation strategy has not considered the locational benefits of different sites which may assist with minimising vehicular movements on the strategic road network (SRN) and/or encouraging trips by sustainable modes and assisting with the funding of appropriate transport interventions. This includes Land at Malthouse Lane which would provide additional dwellings on the edge of an existing settlement and could provide local transport corridor improvements for pedestrians and cyclists, as well as contribute towards funding for improvements to the Strategic Road Network.

Response to Question 46

46 – Is the transport evidence which supports the submission plan including any assumptions, such as home working rates, robust, justified, and is it consistent with national policy?

- 2.10. The online Evidence Library is missing a number of transport study documents, including scenarios 1 and 2 of the Transport Study.

- 2.11. The submitted transport evidence's latest scenario modelling (Scenario 6, August 2024) applies a rate of 20% of residents working from home for all sites, not just the larger local plan sites as per previous assessments. Given trends in working from home since the Covid-19 pandemic, this is considered reasonable.
- 2.12. On-site primary schools have been allocated an 80% reduction in overall trips. This is considered reasonable given that on-site facilities will internalise any vehicle trips for primary education.
- 2.13. On-site retail and employment are allocated a 5% trip reduction. This is considered reasonable at this stage. However trip reductions could be greater for those sites with high levels proposed employment or retail opportunities, particularly given the emphasis on 20 minute neighbourhoods within the Plan.
- 2.14. Travel Plan reductions are applied, depending on the length of the trips, with short car trips experiencing the highest reduction. This could be a reasonable assumption, but would vary from site to site depending on its location, the attractiveness of the road network (for example the Council's identified allocations at Sayers Common and Bolney are right next to the A23), the available transport alternatives and the robustness of any Travel Plan document. It appears that a blanket rate has been applied to all sites at the moment, which is considered to be too crude given the significantly different locational characteristic of the various sites. The presented transport evidence does not present rigorous testing of alternatives and in our view additional information should be provided.
- 2.15. The Plan takes a tunnel vision approach whereby sites have been selected at the start and continued through the Plan making process without considering the effects for further optioneering. Whilst there has been some logic for removing sites (see paragraph 3.8 to 3.34 of the Site Selections Conclusions Paper, July 2024), there is no logic for why sites have been left in.
- 2.16. The transport evidence is not robust because a 'best-case' has been considered. The Plan proposes a vision and validate (monitor and manage) led approach. Whilst there are moves afoot relating to vision and validate (the emerging Framework), there still has to be confidence in the end mitigation scenario. The transport evidence relies on a scenario whereby all modal shift assumptions are taken up, including travel planning and possible increased internalisation of trips within the larger sites.
- 2.17. It appears that the mode shift assumptions applied in the latest transport evidence has been agreed with WSCC, but not National Highways (paragraph 3.2.9 of the Transport Study report dated August 2024). A MoU between MSDC and National Highways (dated July 2024) confirms that there is still ongoing work and that "*All mitigation will be designed and costed and an apportionment exercise undertaken to inform the Infrastructure Delivery Plan and to demonstrate no viability barriers to deliverability*". At the time of writing this does not appear to have been completed.
- 2.18. The principles of a monitor and manage approach within the Plan are reasonable, but the evidence is weak in our view. It is necessary to plan properly, as well as to monitor and manage. There is no assessment which considers at what point in the Plan period infrastructure improvements may be required to deliver the proposed strategy. This would help to identify mitigation measures that may be required on the highway network and appropriate trigger points for their delivery.

- 2.19. Land at Malthouse Lane can encourage good levels of home working, provide an on-site primary school and is located on the edge of Burgess Hill close to existing employment opportunities. It should therefore be considered comparably with other sites, including DPSC1.

Response to Question 47

47 – Specifically, to what extent is the central tenet of the Plan, of 20-minute neighbourhoods and local living, justified, and effective in the context of a predominantly rural district and a development strategy which is to identify sites in areas which are to improve the sustainability of existing settlements including those falling within lower tier categories? Is there a tension between substantial low-density development as referenced in the Local Plan Viability Study (VA) (IV2) and a successful 20-minute neighbourhood?

- 2.20. The Plan places a strong emphasis on 20 minute neighbourhoods as the means to improving accessibility by non-car modes and as a threshold for a development site being suitable in accessibility terms. This means a 10 minute walk (800 metres) in each direction for daily needs. It is noted that the wording which precedes Policy DP3 states that “the concept of a 20 minute journey time will be used as a guide and not rigidly applied”. It is not realistic to take this prescriptively in a predominantly rural district.
- 2.21. Whilst it is understood that sustainability is not just accessibility, we are of the view that the sites identified do not appropriately reflect accessibility objectives enough. For example, there are a number of sites which are remote (see Figure 3 of the transport evidence) and therefore will rely on car travel. Whilst they are located next to the A23, this does not provide good accessibility for non-car modes. There needs to be realism about this. Other sites, such as Land at Malthouse Lane, are not remote and provide for good accessibility for all modes. However these have not been accounted for. This is not right in our view.

Response to Question 48

48 – What mechanisms would be required to achieve the proposed improvements set out within the individual allocations and would they be enough to prevent the transport impacts identified? Would the delivery of the sites be viable so as to be able to support the required mitigation requirements over the long term? Is the cost of any mitigation requirements reflected in the VA. Moreover, would these sites become genuinely sustainable, or given their locations, would they remain heavily reliant on the private car? For example, I note that the cycle routes within the identified Sustainable Communities sites would only lead to a reduction in highway traffic of 1-2%?

- 2.22. Appendix 3 of the Plan presents a “potential active travel route” between Sayers Common (where there are 2,500 houses proposed by the Council for allocation) and Burgess Hill. At the time of writing, the IDP 2024 update is not available within the Evidence Library, and the IDP (January 2024) does not set out an estimated cost for this scheme. The measures set out to support the delivery of the sites require their own feasibility studies before they can be committed to. This includes active travel schemes and highway capacity improvements. It is not considered that the Council can be confident these can be delivered at this stage.
- 2.23. Phasing of development and specific infrastructure requirements has not been set out. The IDP needs to set this out in our view.

- 2.24. Land at Malthouse Lane can help to fund interventions and would not be as reliant upon the private car as other sites.

Response to Question 49

49 – National Highways is clear that Road Investment Strategy (RIS) funding would not be available. What certainty is there that sufficient mitigation would be capable of being achieved either through the reduction of private car journeys or funded highway improvements? How could the ‘monitor and manage’ approach be integrated into the Plan and how would it impact on its deliverability?

- 2.25. There is no certainty or reassuring evidence that shows that the sustainable transport measures proposed, including the delivery of Travel Plans, would be capable of sufficiently mitigating the traffic impact of the Plan. The transport evidence is directed towards “soft” mitigation measures and it does not present any “hard”, physical highway infrastructure schemes as mitigation. Therefore it is not possible to confirm whether this can be achieved as the costs for any works has not been considered.
- 2.26. The monitor and manage approach is considered reasonable, but there has been no identification of a ‘traditional’ mitigation strategy within the Plan that can be used to define the necessary contribution required by each development to mitigate its impact. There is therefore no tangible alternative option if the sustainable transport mitigation strategy fails. A suitable level of confidence is required. As such, it is not possible to confirm at this stage whether any Site is viable.
- 2.27. Whilst monitor and manage is considered a reasonable approach, it is not a ‘cure-all-ails’, particularly because it relies on very optimistic assumptions. There should still be some identified physical mitigation schemes in our view associated with each of the development sites. Other schemes would therefore be considered and reviewed through a monitoring regime at specifically identified locations. A monitor and manage approach cannot be delivered without knowing what needs to be monitored and how it will be managed.

Response to Question 50

50 – Taken together, are the policies of the Plan including the site allocations and policies DPT1; Placemaking and Connectivity, DPT2: Rights of Way and Other Recreational Routes; DPT3: Active and Sustainable Travel together with DPI1: Infrastructure Provision; DPI2: Planning Obligation; DPI3: Major Infrastructure Projects and DP18: Viability justified, effective and consistent with national policy in relation to transport so as to avoid an unacceptable impact on highway safety? Would they ensure that the residual cumulative impacts on the road network would not be severe? How would the Infrastructure Delivery Plan be effective in supporting the above policy requirements?

- 2.28. The policies will guide development. However, the evidence which sits under the policies is considered to be lacking. There is no substance, manifested in the lack of detail in the IDP.
- 2.29. The Plan identifies a package of transport measures that MSDC claim to be adequate to support the quantum and dispersed location of development. This is primarily based around sustainable transport measures. Policies DPI1, 2 and 3 do not identify infrastructure requirements for the development sites, nor are they identified in the individual DPSC policies. There needs to be some realism in our view that physical work will be required.

- 2.30. One of the twelve core planning principals detailed in the Framework is that plan making should *“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”*. Whilst sustainable transport options are considered, these are broad brush, and there is significant doubt about both the funding and deliverability of any transport infrastructure required to support the identified growth strategy.
- 2.31. At the time of writing, the IDP (2024 update) is not available on the Local Plan Evidence Base webpage. The December 2023 version sets out an Infrastructure Delivery Statement (IDS) for the Strategic Road Network and this confirms that *“WSCC have committed to working with NH to deliver improvements to the A23 to ensure junction capacity is more closely matched to demand”*. This statement is an exact carry-over from WSCC’s Local Transport Plan 2022–2036 (2022, paragraph 7.125).
- 2.32. The IDS goes on to state that the transport evidence *“will identify an associated package of highway interventions which will mitigate any residual severe associated impacts”*. But what does this mean? It is not yet clear what these improvements would be, where on the network they will be provided, and how they mitigate the residual impacts of the identified sites. There is therefore no evidence to demonstrate that there would be no residual severe impacts as a result of the proposed allocation sites.

Response to Question 51

51 – Are any main modifications necessary for soundness, if so, why?

- 2.33. It is noted that MSDC has suggested 10 changes to the policies set out in Chapter 12: Transport primarily relating to additional references to the monitor and manage approach suggested by National Highways.
- 2.34. It is considered that the suggested modifications provide clarity on the transport requirements of planning applications. However, we suggest that to enable the plan to be made sound the following should be considered:
- Not locating sites in remote locations near main roads which encourage car use.
 - Reviewing other sites more positively in terms of their accessibility credentials.
 - Provide a credible and cogent set of alternatives to the preferred transport mitigation strategy if the “soft” mitigation measures don’t work, and set this out clearly in the IDP.

End