

Ref#	Comment#	Respondent:	Organisation:	Behalf Of:
21148	1	Mr C Noel	Strutt and Parker	Mr P Rayner
Mod:	MM11	Object		

This letter is written on behalf of our client Peter Rayner of Ockley Manor, Ockley Lane, Hassocks, BN6 8NX. Along with Ockley Manor, Mr Rayner has land interests located on the eastern side of Ockley Lane, south of Ockley Hill and with two land parcels immediately to the west of the road.

This representation constitutes an objection to the proposed strategic site allocation DP9b 'Land to the north of Clayton Mills' in Hassocks. This has been recently proposed within the main modifications to the draft Mid Sussex District Plan (2014 – 2031).

Having reviewed the background to the identification of this site, we consider that the process of selecting proposed site allocation DP9b has been neither legally compliant nor sound. It is inconsistent with national planning policy. This representation details the reasons why this is the case. It is requested that Mid Sussex DC remove this site allocation from their draft Local Plan.

Legal compliance

The Planning and Compulsory Purchase Act 2004 sets out the statutory provisions relating to Development Plan preparation. This requires (inter alia) that Plans are produced in compliance with a statement of community involvement (s19(3)), and there must be a sustainability appraisal of the proposal (s19(5)). In addition, there is a duty to consult with prescribed bodies, including Historic England, under Reg.4 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The proposed strategic site allocation DP9b has been hastily prepared. The Council resolved to include it within the Main Modifications to the Plan on 27th September 2017, following its promotion to the Council in late July 2017, and the previous Examination hearings. The haste of preparation has meant that due process and procedure has not been correctly followed.

Mid Sussex DC's Statement of community Involvement (October 2011) includes 6 "general principles". These prescribe that Development Plan consultation should:

- (1) "Be timely" – specifically, "the community should be involved as early as possible in the decision-making process when there is more potential to make a difference...Reasonable timescales should be given to the distribution of information and for responses to consultation"; and
- (3) "Be transparent" – in particular, "The quality of information provided to potential consultees must be clear, honest, accurate and unbiased [...] it needs to explain how and when decisions will be made following the end of the consultation period".

Our client considers that the proposal for an additional strategic allocation has emerged very late in the process and that there has been inadequate time for effective consultation to take place on a proposal of such significance. To illustrate this complaint, the Outline Transport Assessment for the site, clearly a matter of particular concern for the local community, was not made available for review until the end of October 2017, despite the consultation commencing on 2nd October. The Council is required to demonstrate that it has complied with its Statement of Community Involvement by s.19(3) of the 2004 Act.

The late stage at which the Council has proposed the inclusion of a new Strategic allocation – and a site which had not previously been appraised or considered through the Local Plan Examination process has led to a very short time being available for consideration of the site – both by the Council (since July 2017) and by the public (since October 2017), and this in turn has given rise to a lack of proper, detailed consideration of the proposals by all parties. This is a major concern that there has been neither timeliness nor transparency as a result.

The emerging District Plan has relied upon the Mid Sussex Transport Study of December 2016 as the framework supporting the selection of sites for inclusion within the Plan. DP9b was not envisaged at the time this was produced, rendering it inaccurate, and an update to the MSTs has not been made available to support the Main Modification consultation.

The haste with which DP9b has been progressed has led to clear omissions in the assessment of relevant planning issues. For example, the draft policy requirement for mitigating the impact on heritage assets (7th bullet point) is that proposals should:-

“Incorporate a suitable buffer to protect the setting of Ockley Manor (Grade II*) and Ockley Manor Barn (Grade II), which lie to the east of the site”.

It is very surprising that there is no mention of the Ockley Manor dovecote, a Grade II listed building situated within the curtilage of Ockley Manor and situated within 120m of the proposed development. It seems unlikely that the Council consider the setting of the Manor and of the Barn as important, but not other associated heritage assets. This suggests that the assessment of heritage impact has been hurriedly dealt with. Indeed, given the duty to co-operate with Historic England in the preparation of the Plan, our client wonders if this policy has actually been shared in draft with that organisation before the publication of the Main Modifications.

In the ‘Consideration of Options’ report, Section 17 states in respect to ‘Land north of Clayton Mills’ that it was promoted to the Council in July 2017 and the SHLAA was updated accordingly (site reference ID: 753). It states: “Part of the site had already been identified as a potential housing site in the draft Hassocks Neighbourhood Plan for 140 homes”. This is incorrect as only approximately one third of the site coincides with that identified in the Neighbourhood Plan. The larger of two pieces of land in the Neighbourhood Plan at this location, called ‘Land north of Clayton Mills’, is not part of DP9b, and is already owned by another developer. However, the section of land contained within DP9b has been called ‘Land North of Clayton Mills’ despite the land buffer between it and Clayton Mills. The site is therefore incorrectly presented in a favourable context, and has caused confusion within the Hassocks community.

As a result of all these points above, the process has been neither timely nor indeed transparent, and is therefore inconsistent with the Statement of Community Involvement and therefore fails to comply with s19(3) of the 2004 Act. Nor does it appear that the duty to co-operate with prescribed organisations has been met, as evidenced by the rather obvious omission in the draft policy concerning heritage assets.

The submitted Sustainability Appraisal assesses the impact of the Clayton Mills site on heritage assets in the section headed “Broad Strategic Locations”. The table on page 37 considers the proposal against the objective to seek to protect and enhance the historic environment. The conclusion in this respect is that the site “could” have an impact on the setting of Listed Buildings. In the assessment, the likely impact is rated as “possible negative or slight negative impact on the sustainability objective”. This conclusion is contested. Draft Policy DP9b requires “a suitable buffer to protect the setting of Ockley Manor (Grade II*) and Ockley Manor Barn”. Such a buffer would not be required if there was significant doubt over the impact on the setting. The Sustainability Appraisal is therefore inconsistent with the draft Policy.

Soundness

Notwithstanding our client’s concerns with the procedure followed in presenting the Main Modifications for consultation, fundamental problems remain in terms of the soundness of the draft Plan incorporating site DP9b.

To be found sound by the Inspector, the Plan must be positively prepared, justified, effective and consistent.

Is the revised Plan Justified?

The relevant tests in the NPPF in this respect are that the proposal must be based on “proportionate” evidence, and be the most appropriate strategy for addressing the concerns expressed by Inspector Bore, when considered against the available alternatives.

The site for 500 dwellings at Clayton Mills, Hassocks is proposed as a Strategic Site, and the Council prefer this approach to adopting a criteria-based amendment to the Settlement Hierarchy in order to boost supply. As a Strategic site of some significant scale (MSDC consider just 25 dwellings to be “large development” in the context of some settlements), one ought reasonably to expect that the evidence base which supports the site to be proportionately comprehensive. However, this does not appear to be the case.

We note that the July 2017 SHLAA assessment for the site (under site reference 753) concluded that the site would not deliver dwellings in the next five-year period, but was developable in years 6-10. Nevertheless, Mid Sussex DC Examination Document 22 (2 October 2017) concludes that 150 dwellings would nevertheless be deliverable within the first 5 years of the plan period. Indeed, the Council go further to state that “land north of Clayton Mills is the only strategic site that, at this time, is deliverable (i.e. is available now...and can deliver new homes within the next five years)” (Mid Sussex DC 22 para. 18). Given the weight given to the deliverability of this site in determining the appropriate Strategy and the fact that the site in question has not previously been appraised or considered through the lengthy emergence of the Local Plan and its Examination process, the evidence appears contradictory at best, and certainly not “proportionate”.

The July 2017 SHLAA assessment identified significant constraints, which is why the site was not considered immediately developable. These constraints have not been satisfactorily dealt with and overcome. For example, in the heritage section of the assessment form, nearby listed buildings to the development site are not considered to be significantly affected by potential development on site. However, there is no evidence of the correct heritage assessment regarding their setting. The proposed site allocation is therefore not properly justified.

Nor is the evidence base able to support the strategic site in relation to the potential impact on the Ashdown Forest.

In the Mid Sussex DC paper dealing with the Ashdown Forest issue (MSDC 18), the Council expressed the opinion that the submitted level of development (876 dwellings per year) could be considered sound in relation to the Habitats Regulations, but the level proposed by the developer’s consortium (1,026) could not. In addition, the document concluded that “windfall developments may need to be separately assessed by developers in combination with the District Plan and other plans and projects likely to affect the Ashdown Forest”.

As previously mentioned, Mid Sussex DC’s Mid Sussex Transport Study (MSTS) prepared in December 2016 supported the site allocations in the District Plan. Clayton Mills, Hassocks was not promoted until July 2017, and was only assessed to be included in the Main Modifications proposed to the District Plan on 27th September 2017. No update of the MSTS was available prior to the commencement of Public Consultation on the Main Modifications on 2nd October. The Outline Traffic Assessment that was eventually released cannot be relied upon to support reliable conclusions in relation to the Habitats Regulations, particularly given West Sussex County Council’s assertion that there has been insufficient analysis of the significant increase in traffic movement from the proposed site. The Appropriate Assessments report for the HRA in support of the Main Modifications acknowledges that Policy DP9b was likely to significantly impact the Ashdown Forest SPA/SAC. The Arup Air Quality Study which assesses the impact of the Main Modifications refers to traffic data provided by Amey.

MSDC 18 has since been updated by note MSDC 24. The assertion is that with the additional Strategic Site at Clayton Mills and development coming forward at 876 dwellings per year, there will be no adverse effects on the Ashdown Forest. However, there are doubts over the Outline Transport Assessment and these concerns flow through into the traffic data and in turn into the Appropriate Assessment. Again, the proposal is not properly justified by proportionate evidence.

As to whether the strategy adopted is the most appropriate, we refer again to MSDC 22. This sets out the rationale adopted by the Council in deciding to adopt a new Strategic Site in the Main Modifications. The Council considered the only available alternative to be an amendment to the settlement hierarchy to increase the number of dwellings that might come forward under the windfall allowance. At present, sites for up to 10 dwellings may be supported adjacent to existing settlement boundaries. The Council considered the prospect of increasing this threshold to 25 dwellings through the Main Modifications to the Plan. This approach was rejected on the basis that 25 units would be considered a “large development” in the context of some settlements. However, no further permutations were considered. Given that the selection of Clayton Mills as a Strategic Site is underpinned by the decision taken in respect of “available alternatives”, there is a lack of robustness of approach here which does not bear scrutiny.

Inspector Bore’s conclusions in relation to housing land supply, voiced in July 2017, were that at 5.2 years, the supply position was not “comfortable”, given the likelihood that the Site Allocations DPD would not be brought forward until 2020 and uncertainties surrounding sites at appeal or subject to call-in. The focus therefore was in meeting a perceived short term “gap” in provision until site allocations could be expected to come forward. However, the Council has ignored all sites at appeal, or subject to call-in, and therefore sites where more detailed planning assessments are already available, in coming to a decision to identify an entirely new Strategic Site. There were available a large number of sites that had been under consideration for some period of time, that could have been promoted to the Plan, along with potential ‘windfall’ sites of less than 25 houses, and either would have been able to deliver additional housing within the first five years of the plan.

It is considered very unlikely that the Inspector intended his comments over the options available to Mid Sussex DC to increase the first five-year land housing supply to mean that Mid Sussex DC should go straight off and hastily find a new, previously un-considered Strategic Site. Your Council’s attempt to push it through to consultation within two months, without due process and a full consideration of the local impacts, detailed traffic evaluation and a comprehensive Heritage Impact Assessment being undertaken is ill-considered. Inspector Bore indicated in February 2017 that what was required was a “positive and pro-active reassessment of known sites and the identification of additional areas of growth”, not a single new strategic option.

Proposed site allocation DP9b is supported by an Outline Traffic Assessment which is based upon a new vehicular access joining on to the western side of Ockley Lane and with a separate pedestrian cycle access also taken from Ockley Lane. However, as confirmed in the Position Statement from West Sussex County Council’s Highways Department, there has been insufficient analysis of the significant increase in traffic movement from the proposed site as the majority of traffic is expected to route to and from the north. This means there needs to be assessments of the vehicular movements at junctions in Burgess Hill including Keymer Road / Folders Lane, in Keymer Road / Station Road / Junction Road. There must also be proper consideration of the cumulative impact with other developments in the area. These matters need to be examined as part of the site allocation selection process, as they are fundamental to the delivery of the proposed development. There has also been an insufficient treatment in the outline TA in terms of the impact on the public footpath FP5K to a bridleway or similar which will enable pedestrian and cycle access to the site from Ockley Lane, circa 160m to the south of the main access.

In any event, a new vehicular access that cuts across open land would have adverse landscape consequences to the detriment of local landscape character, and will inevitably open up the possibility of additional development in the future, served by the new road.

Is the new Plan consistent with national policy?

The NPPF at Paragraphs 169 and 170 deals with the historic environment, in the context of the setting of heritage assets and historic landscape character. Paragraph 169 advises that “Local planning authorities should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment”.

Paragraph 170 continues “landscape character assessments should also be prepared, integrated with assessment of historic landscape character, and for areas where there are major expansion options assessments of landscape sensitivity”.

The Ockley Estate, incorporating all the lands forming the DP9b site is first mentioned in 1242, as part of the Barony of Lewes as shown on the historic Ockley Estate map, and referred to in detail in the 1683 Indenture, held at East Sussex records office at The Keep, Brighton. It features in the Hassocks Neighbourhood Plan as a preserved gap of local interest. It has demonstrable historical associations, and is characterised by a notable absence of development.

There are a number of historic buildings within the ambit of the proposed Strategic Site. Within the Ockley Manor estate alone there are 3 (Grade II* and Grade II) listed buildings. Historic England’s ‘Historical environment and site allocations in Local Plans’ (Historic England Advice Note 3 2015) advises that “a positive strategy for the Historic Environment in Local Plans can ensure that site allocations avoid harming the significance of those designated and non-designated heritage assets, including effects on the setting.”

Given the location, size and scale of the Strategic Site allocation of DP9b, it seems inevitable that there will be adverse effects on the setting of the Listed Buildings in the Ockley Estate, which have not been properly assessed and evaluated. It is also considered that DP9b should be assessed as part of a locally valued landscape (in the sense described by Ouseley J in *Stroud v Secretary of State for Communities and Local Government* [2015] EWHC 488 (Admin), given its links with the historic Ockley Estate, its contribution to the setting of the Ockley Manor heritage, and its characteristic absence of development and its open form. It is considered that the landscape forms a vital connection with the views from within the heritage assets. A view that has existed in its current form for nearly 800 years. It is also considered that the landscape forms a relationship with the views from within the South Downs National Park, contributing to the setting of Hassocks as one of a number of very attractive Downland villages at the edge of the National Park.

Historic England described the Ockley Manor heritage buildings in 2015: “Due to mature landscaping on the southern boundary and that Ockley Farm and open countryside exist on the other sides, the Manor House enjoys a delightful secluded setting with few urban intrusions, reminiscent of its former historic role as a country estate”

The DP9b site is entirely contained within the historic Ockley Estate, and forms the major part of it. The development area falls within the primary landscape context of each of the listed buildings within the estate.

Historic England’s Advice Note 3 (2015) goes on to state under Paragraph 1.1 (Page 5) that:-

“The site allocation process is best informed by an up-to-date and robust historical environment evidence base. It is important that the gathering of this evidence begins prior to the commencement of work on the Plan, to provide baseline information at all stages in its preparation. A relevant Historical Environment Record (HER) and other evidence held by the Local Planning Authority will help establish the baseline information.”

The fact that draft policy DP9b fails to refer to one of the Listed Buildings in the group suggests that the evidence base has not been properly interrogated in this instance. There has been no proper assessment of the archaeological fieldwork and no proper assessment undertaken of the significance of identified Heritage Assets.

When combined with its characteristically open landscape and its historic associations, the setting of these heritage assets is something that our client considers will be severely compromised by strategic scale development. It is therefore considered to be contrary to National Planning Policy and specifically Paragraph 151 of the NPPF. This requires that “Local Plans must be prepared with the objective of contributing to the achievement of sustainable development”. As such, significant adverse environmental impact (including heritage and other environmental impacts) should be avoided in the first instance.

There is also clear conflict between the DP9b site and the proposals map shown in the Hassocks Neighbourhood Plan, which identifies a significant part of the land as protected

by Policy 1 which seeks to safeguard the land against development. The Hassocks Neighbourhood Plan carries increasing planning weight and reflects the intentions of the local community. The proposed strategic allocation by Mid Sussex DC will undermine Policy 1 of the Hassocks Neighbourhood Plan.

Given the irreplaceable and highly sensitive heritage context of the DP9b site, and its likely permanent harmful effect on the three very important local assets, our client intends to contest vigorously the proposed site allocation at Clayton Mills, Hassocks both on planning merits but also in relation to legal procedure. Sufficient concerns have already been identified such that in the unlikely event that Mid Sussex DC were to persuade the Inspector of the soundness of the proposals set out in the Main Modifications, a judicial review will be sought, and strongly pursued.

In summary, our client considers that the process of identification of a new Strategic Site under Policy DP9b is inconsistent with Mid Sussex DC's SCI and that insufficient regard has been had to the duty to co-operate. The sustainability appraisal is flawed in the sense that it fails to have full regard to the likely heritage impact of the proposed allocation. Nor is the Plan "justified" or "consistent" for the reasons given, and the proposed Plan therefore fails the tests of soundness. As such, the allocation should be removed from the draft Mid Sussex District Plan.

Ref#	Comment#	Respondent:	Organisation:	Behalf Of:
65	1	Mr I Cumberworth	Hassocks Parish Council	
Mod:	MM11	Object		

These representations have been prepared following consideration of the consultation documents by Members of the Hassocks Parish Neighbourhood Plan Working Group; meetings between Hassocks Parish Council, their representatives and Officers of Mid Sussex District Council; and deliberations and resolutions reached at an Extraordinary Parish Council Meeting held on Tuesday 31st October 2017. This meeting in public was attended by an estimated circa 350 members of the local community. All attendees at the meeting were afforded an opportunity to speak. All those who elected to do so, set out their concerns and objections to the Main Modifications to the emerging District Plan, with particular reference to the proposed strategic housing allocation on land north of Clayton Mills (Main Modification MM11) (Policy DP9b: Strategic Allocation to the North of Clayton Mills, Hassocks).

CONSIDERATION OF OPTIONS TO STRENGTHEN THE FIVE YEAR HOUSING LAND SUPPLY

MSDC22 summarises the five year housing land supply position following the conclusion of the District Plan Examination Hearing on 26th July 2017. There is no reasoning given within the document for the threshold of 'fewer than 10 dwellings.' The policy thus establishes the principle for expansion of settlements, but without a clear reasoning for the upper number cap.

The threshold increase is unlikely to boost supply in the first five years – the Parish Council submit that the LPA have not underpinned this assertion with evidence. The LPA has been operating for many years without a five year housing land supply. As such, a significant quantum of recent residential development has come forward on the edge of existing settlements as windfall development, unallocated with an adopted Development Plan. Such delivery has occurred in the absence of specific Development Plan policy support. It is therefore reasonable to conclude that a positive Development Plan policy environment, that facilitates such development, would ensure a meaningful and achievable supply over the next five years. As discussed in further detail below, the strategic allocation is envisaged to deliver 150 dwellings within the next five years. It is not considered reasonable for the LPA to conclude that Option 1 of MSDC22 would result in a lower housing delivery level than 150 dwellings over the next five years.

A threshold of 25 dwellings would be considered a large development in the context of some settlements particularly in categories 3, 4 and 5 of the settlement hierarchy – the settlement hierarchy seeks to group settlements according to their scale and level of service provision. On this basis, it would be readily achievable to ensure that delivery of Option 1 in MSDC22, via an amendment to Policy DP6, has regard to the quantum of housing and its impact on smaller settlements.

Indeed, this is the approach already advocated in the Submission Version of DP6 which requires development to be demonstrably sustainable, including by reference to the settlement hierarchy.

It is submitted that this could be strengthened further by, for example, facilitating development of up to 25 dwellings where they are contiguous with an existing settlement boundary and where they are demonstrably sustainable, within Category 1 and Category 2 settlements. The existing threshold of fewer than 10 dwellings, could continue to subsist for Category 3, 4 and 5 settlements.

On this basis, the Council's assertion that the increase in threshold may be harmful for smaller scale settlements would not arise; the existing threshold the Council have advocated for these settlements in Policy DP6 would be maintained.

An increase in threshold would encourage developments to bypass the Site Allocations or Neighbourhood Plan process – It is submitted that Policy DP6 will be part of the

Development Plan, which would also be made up of the Site Allocations DPD and Neighbourhood Plan. The LPA consider that the principle of 9 or less dwellings is acceptable, and thus consider it would not be representative of an unacceptable approach in bypassing control through other DPDs.

It is respectfully submitted, particularly in relation to Category 1 and 2 settlements, that increasing the threshold would not represent an inappropriate bypassing of the Development Plan process; indeed, its inclusion within DP6 would comprise a specific provision within the Development Plan. Furthermore, it is submitted that the late inclusion of the proposed Strategic Allocation on land north of Clayton Mills, is representative of a large-scale bypassing of the Site Allocations and Neighbourhood Plan process.

Fails to meet NPPF tests and could not be relied upon to improve the five year supply – Paragraph 48 of the NPPF states that Local Planning Authorities may make an allowance for windfall sites in their five year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.

Windfall development has contributed to a significant number of housing completions and commitments over the last few years. This comprises the compelling evidence that sites have consistently become available in the local area. The provision of support for further windfall development within Policy DP6 provides the evidence that this will continue to provide a reliable source of supply; given the more positive permissive regime that this would establish over the remainder of the Plan period.

The Council would be in a better position to secure the necessary infrastructure required through the allocation of a strategic site – For the reasons set out below, it is submitted that the allocation of 500 dwellings on land to the north of Clayton Mills would not deliver any materially greater infrastructure benefits than would be secured through the proposed Neighbourhood Plan allocation on the site.

For the above reasons, it is submitted that the District Councils reasoning for not pursuing Option 1 is unjustified. It has not been demonstrated that Option 1 would fail to comply with the requirements for the Plan to be positively prepared; it has not been demonstrated that it would be ineffective; and it has not been demonstrated it would be inconsistent with national policy. It has not been demonstrated that Option 2 is a better strategy.

It is respectfully submitted that should the Local Planning Authority seek to strengthen the five year housing land supply option in the short term, ahead of the adoption of a Site Allocations DPD, this should be achieved via the application of Option 1 set out in MSDC22, or as modestly varied in accordance with the above Submissions (i.e. cascade approach in respect of settlement hierarchy).

LACK OF ROBUST ASSESSMENT AND JUSTIFICATION OF PROPOSED STRATEGIC ALLOCATION ON LAND TO THE NORTH OF CLAYTON MILLS, HASSOCKS

Within EP23a (Strategic Site Selection Paper), under 'constraints', the LPA conclude that 'this site is remote from high status protected areas (AONB/National Park).' As a result, they award the site a Green N/A rating against this constraint. This is factually incorrect. The South Downs National Park has a boundary in close proximity to the proposed allocation site, a short way to the east and southeast of the site, close to the cul-de-sac of Sweetlands. The site is not 'remote' from the South Downs National Park.

EP23a explicitly states it is a collection of information contained within other documents, including the SHLAA. The conclusion the site is 'very likely' to be delivered within the first five years is incompatible with the background documents upon which this conclusion is reliant.

The District Council recently held meetings with representatives of Hassocks Parish Council to inform them of the intention to allocate land north of Clayton Mills as a strategic housing allocation site within the Main Modifications to the emerging District Plan. At these meetings requests were repeatedly made for the District Council to disclose the evidence base upon which the decision to allocate the site had been made. The LPA advised that the evidence base at that time was still 'emerging.' Since then, further

requests have been made for the release of supporting information. This culminated in the release of the site promoters Transport Assessment on Monday 30th October 2017.

It is thus submitted that there is a wholly inadequate evidence base to justify the allocation of land north of Clayton Mills as a strategic housing development within the District Plan.

Having regard to this, it is submitted that the strategic allocation of land to the north of Clayton Mills is wholly unjustified. It has not been evidentially considered against reasonable alternatives (i.e. other sites that would deliver 150 dwellings within the next 5 years); and is not based on an adequate, proportionate evidence. It is not consistent with national policy, and in particular the requirement that plan making is to be based on early and meaningful engagement and collaboration with neighbourhoods to ensure a wide section of the community are proactively engaged to ensure Local Plans, as far as possible, reflect a collective vision and set of agreed priorities for the sustainable development of the area. Instead, the allocation of the site, within the context of the overall Plan preparation, appears to have been considered at the 'eleventh hour'; is based on an extremely limited, flawed evidence base; and has failed to be brought forward in conjunction with engagement with the local community. It is not demonstrably consistent with achieving sustainable development, and is not consistent with national planning policy.

EFFECT ON STRATEGIC ALLOCATION OF LAND TO THE NORTH OF CLAYTON MILLS ON FIVE YEAR HOUSING LAND SUPPLY

MSDC22 sets out that the District Council have a 5.2 year supply, and that this has been strengthened between July 2017 and September 2017 by the approval of further housing applications (understood to total 146 dwellings on three sites). This thus now represents a 5.33 year supply. The District Council state that the 150 dwellings envisaged to be delivered on land north of Clayton Mills within the next five years would strengthen this further to 5.47 years.

The proposed strategic site encapsulates along its southern parts, land allocated for residential development within the Submission Version Neighbourhood Plan. Policy 15 of the Neighbourhood Plan allocates the site for residential development of up to 140 units subject to compliance with a range of criteria. This allocation was made in discussion with the site promoters, Gleeson. They engaged with the Parish Council, and in particular the Neighbourhood Plan Working Group, to promote the site for development. This included the submission of a concept masterplan, setting out how 140 dwellings might be delivered on the site. This plan, attached at Appendix 4, details the extent of development, including the provision of an extensive area of public open space and landscaping to provide a new robust edge to the village.

This proposal was favourably considered by the Parish Council, given the delivery of housing together with the benefits of, amongst other things, a robust edge to the settlement without extending significantly into the undeveloped land to the north of the village, currently defined by the edge of the rear gardens on Mackie Avenue. In particular, development did not propose to be extended beyond the Public Right of Way which travels in a westerly direction from Ockley Lane, a short way to the north of Mackie Avenue.

It is material to note that the Parish Council have prepared a Neighbourhood Plan wholly in accordance with the guidance set out in the National Planning Policy Framework, and within the spirit of localism. They have actively engaged with the community at each stage of the Plan preparation. The extensive collaboration with the local community and wider stakeholders is detailed in the Consultation Statement that accompanies the Submission Version Plan. Had the District Council progressed the Neighbourhood Plan, it is wholly conceivable, that it would now have been 'made.' In that scenario, the 140 dwellings envisaged to be delivered on land to the north of Clayton Mills (in part incorporating the proposed district allocation site) would have been deemed to be a 'commitment' and would thus have been included within the five year housing land supply position. The District Council would therefore have secured a similar quantum of housing that they now envisage will be delivered within the first five years of the Plan period through the allocation of 500 dwellings on the site.

This serves to emphasise that a proposed delivery of circa 140 dwellings would achieve the purpose that is to be sought by the strategic allocation as set out in MSDC22 (i.e.

strengthening the five year housing land supply position over the first two years up till 2020). There is no requirement to allocate a greater quantum of housing than is envisaged within the Neighbourhood Plan to achieve this.

If the District Council consider that they wish to strengthen the five year housing land supply position beyond 2020, then this explicitly conflicts with the stated purpose of the allocation as detailed in MSDC22. The strengthening of the five year housing land supply position beyond 2020 proposed to be achieved via the preparation of a Site Allocations DPD.

The preparation of a Site Allocations DPD would enable consideration of a much wider range of housing sites than has thus far been considered (on the basis that the Council has solely considered strategic sites of 500 units and above within the District Plan preparation process). The District Council state that the Site Allocations DPD will consider non-strategic and strategic sites of any size over 5 dwellings, with no upper limit.

It is submitted that the proposed allocation of 500 dwellings to achieve the strengthening of the five year housing land supply over the next two years is wholly unjustified (given only 150 dwellings would come forward over the next 5 years). The allocation envisaged in the Neighbourhood Plan that has been prepared over many years and completed its Submission Version consultation stage in September 2016 would deliver the requisite and desired strengthening of the five year housing land supply sought by the District Council.

It is noted that the District Plan Inspector's letter of 20th February 2017 recommended to the District Council that 'the self-imposed threshold for strategic sites should be lowered significantly from the current 500 dwellings. This will not only help with the identification of sites, it will enable a range of sites of different sizes to come forward at different times, and will limit exposure to delivery issues that can arise from the identification of only two or three very large sites, a subject which is particularly relevant to five year housing land supply.' The District Council appear to have ignored this recommendation. The consequence, has been their endeavour to allocate an unnecessarily large site on land to the north of Clayton Mills in clear conflict with the carefully considered and conceived Neighbourhood Plan, in order to achieve a benefit that would have been delivered by the proposed Neighbourhood Plan allocation.

CLAIMED BENEFITS OF THE STRATEGIC ALLOCATION

Comprehensive verses Piecemeal Development – The plan attached at Appendix 4 sets out the proposed concept masterplan for the delivery of 140 dwellings on the smaller site. It is respectfully submitted that this demonstrates a cohesive and comprehensive approach to the development of the site. There is no indication that the site would lack any planned infrastructure required to support it. It is respectfully noted that this masterplan is more detailed than the masterplan that the Local Planning Authority have confirmed to be in receipt of for the larger development.

Delivery of a new Primary School – The Parish Council have held numerous and extensive discussions with the County Council over the requirement and delivery of a new primary school. This has included a review of potential sites. It culminated in the inclusion of Policy 12 of the Neighbourhood Plan which sets out support for the provision of a new two-form entry primary school within the Parish. In support of this policy approach, the promoters of the large housing site on land at Hassocks Golf Club (Policy 14 of the Neighbourhood Plan) identified land within that scheme for a new school. It is thus submitted that the identification of a site for a new primary school has been advanced on an alternative site and has policy support within the Neighbourhood Plan.

Good relationship with existing Clayton Mills/Mackie Avenue Developments – The indicative layout plan, attached at Appendix 4, shows the proposed delivery of a landscape buffer between the rear gardens of properties in Clayton Mills and the edge of the proposed housing development site. Furthermore, a robust landscape screen is indicated

along the rear boundaries of Mackie Avenue, adjacent to proposed lower density housing. It is thus submitted that the proposed Neighbourhood Plan allocation demonstrably enabled the provision of a good relationship with existing Clayton Mills/Mackie Avenue developments.

Better Management of the relationship of the Site with the Listed Building – It is understood that the listed building referred to in this clause relates to Ockley Manor. This is located to the east of the site, and on the east side of Ockley Lane. The masterplan for the strategic allocation, provided by the District Council to the Parish Council indicates a much greater quantum of development in close proximity to Ockley Manor than was envisaged within the concept masterplan submitted for the smaller, 140 unit development. The same access point is proposed for both schemes. It is therefore submitted that it cannot be claimed the larger development will provide a better relationship to the listed building. The concept masterplan for the smaller scheme would have less development in proximity to the listed Ockley Manor.

Better Access Arrangement on to Ockley Lane – The masterplan attached at Appendix 4, together with the more recent masterplan attached at Appendix 5, confirm that the access points for the two proposed developments are the same. It cannot therefore be claimed that the larger scheme would result in a 'better access arrangement on to Ockley Lane'.

For all of the above reasons, it is submitted that the LPA are unable to evidence and justify their assertion in MSDC22 that the strategic allocation would achieve the material benefits listed in paragraph 22 of MSDC22 compared to the Neighbourhood Plan allocation. It is submitted this is factually incorrect, and further serves to undermine the merits for the allocation asserted by the District Council.

LANDSCAPE AND VISUAL HARM

The proposed strategic allocation is contained within a Strategic Gap, as defined within the adopted Mid Sussex District Local Plan. This reflects the importance and vulnerability of the undeveloped area between the northern edge of Hassocks, and the southern edge of Burgess Hill. The sensitivity of the site is acknowledged by the District Council's evidence base that supports the emerging District Plan. The District Council's Landscape Capacity Study (July 2007) identifies the land upon which the strategic allocation is contained as being of 'substantial landscape sensitivity'; 'substantial landscape value', and having 'negligible/low landscape capacity'.

The Neighbourhood Plan was prepared with the assistance of a Neighbourhood Plan Working Group. This included a number of co-opted members who are qualified Landscape Architects. Their views were integral to the assessment of the potential visual effect of housing sites, as part of the deliberations on the allocation of residential development sites within the Neighbourhood Plan. One of the Landscape Architects, David Withycombe, has prepared an Appraisal of Landscape and Visual Matters in respect of the proposed strategic allocation.

It notes that the development of the site would result in the loss of open countryside, and have a significant impact on the ability of local residents to gain access to open countryside. It would extend the built development on the northern edge of Hassocks by an estimated 600m at a point where the existing gap measured from the northern edge of Hassocks (Mackie Avenue) and the southern point of Burgess Hill (Greenlands Drive) is estimated to be some 1500m. Development of the allocation site would thus reduce the width of the gap by between 25% and 33%.

It concludes this is a significant reduction in the gap and would contribute substantially to a perception of coalescence. The report notes that there will be a substantial change to the perception of Hassocks in views from the north; from Ockley Lane, from Public Rights of Way, and also in views from the adjacent railway line. It also notes that the development would replace much of the current open rural setting to Ockley Manor.

The conclusions of the report are endorsed by the Parish Council, and it is submitted that this emphasises the landscape and visual harm that would result from the proposed strategic allocation, both in its own right, and in comparison, to the proposed Neighbourhood Plan allocation. It is submitted that this report should be given due weight,

particularly in the absence of any comparable study by the District Council as part of their decision to allocate the site.

TRAFFIC

In discussion with the District Council, the Parish Council requested release of information in respect of the traffic impact of the proposed strategic allocation on the local road network. In response to this, on 30th October 2017, the District Council released a copy of the scheme proponents Transport Assessment (and noted that this had been reviewed and endorsed by the County Highway Authority).

Given the timing of the release of the report, in particular well after the commencement of the consultation period, and some 24 hours prior to the Parish Councils consideration of the site at their EGM, it has not been possible for the Parish Council to have fully appraised this information. They remain disappointed that this information was not released at the time of the commencement of the statutory consultation period on the Main Modifications of the emerging District Plan.

Of the information that the Parish Council have been able to review, strong concerns are raised at the potential traffic impact of the strategic allocation. It has been noted that it is stated that there will be 300 movements in and out of the proposed site on to Ockley Lane at peak times. The Parish Council question this level of movement and consider it may be substantially greater.

It is also noted that the report concludes the majority of traffic from the site, when travelling southbound, would use Lodge Lane and New Road, rather than travelling through Hassocks to Stonepound Crossroads. It is considered that this assumption is unlikely to have adequately considered or acknowledged the complexity and difficulty of the junction between Lodge Lane and New Road. It is submitted that greater traffic may travel through Stonepound Crossroads than has been assumed.

It is also considered that the report fails to take adequate account of alignment, width restriction and speed limits on Ockley Lane and other roads in the local area, including Keymer Road.

There is also concern at a lack of detail in respect of the prospect of use of the local bus stops. Concern was raised that there is poor and inadequate pedestrian access to bus stops in vicinity of the site.

Concerns are also raised that there is an unmanned pedestrian crossing of the railway line a short way to the west of the proposed strategic allocation. It is considered that inadequate consideration had been given to the potential increase in pedestrian footfall across this crossing, and its effect on safety. This concern is, in particular, expressed in respect of school aged children and the proposed allocation of a school on the site, and the likely catchment area for the school which would include numerous residents on the west side of the railway line.

Overall, concern is raised that the Transport Assessment may not represent an adequate and robust assessment of transport and traffic impacts arising from the proposed development.

Ref#	Comment#	Respondent:	Organisation:	Behalf Of:
68	2	Mr S Hoyles	Hurstpierpoint & Sayers Common Parish Council	
Mod:	MM11	Object		

The Parish Council objects to the principle of allocations of large housing sites alongside existing settlements, without a clear District-wide strategic direction. We are concerned that such large allocations distort the existing settlement patterns, leading to less sustainable developments stretching existing infrastructure, and eroding the valuable countryside between settlements which damages the countryside characteristics. We suggest that the District Council undertakes a District-wide review to identify a single larger strategic allocation, in a location which does not distort the fragile gaps between settlements and which can deliver the required homes along with the necessary planned infrastructure.

Ref#	Comment#	Respondent:	Organisation:	Behalf Of:
164	2	Ms S Solbra	Southern Water	
Mod:	MM11	Object		

We are unable to support this policy as sound on the grounds that:

1. it is not positively prepared as it does not reflect the evidence we provided on infrastructure requirements,
2. it is not effective as it does not support delivery of necessary infrastructure, and
3. it is not consistent with national policy.

Southern Water's comment relates to sewerage network capacity to support the new proposed development of 500 dwellings at north of Clayton Mills, Hassocks. In line with paragraph 162 of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance, we have undertaken a preliminary assessment of the existing capacity of our infrastructure and its ability to meet the forecast demand for this proposal. Our assessment reveals that the local sewerage system currently has limited capacity to accommodate additional development. This is not a constraint to development however, provided planning policy for this site ensures that proposed development makes a connection to the sewerage network at the nearest point of adequate capacity.

If development is permitted to proceed without such policy provision where there is inadequate capacity in the sewerage network, Southern Water has limited powers to prevent connection and the system could become overloaded, leading to pollution of the environment. This situation would be contrary to paragraph 109 of the NPPF, which requires the planning system to prevent both new and existing development from contributing to pollution.

Furthermore, there could be a risk that the necessary local sewerage infrastructure will not be delivered in time to service the proposed development, unless delivery is supported by planning policies and subsequently in planning conditions. This is supported by the core planning principles identified in the NPPF, notably to:

'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs' and ensure that plans 'provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency'. Our approach is also supported by paragraph 21 of the NPPF, which requires that planning policies should recognise and seek to address any lack of infrastructure. The National Planning Practice Guidance specifies that 'Adequate water and wastewater infrastructure is needed to support sustainable development'.

The principle relating to the recognition of sewerage requirements in site specific planning policies was tested at the examination of Ashford Urban Sites and Infrastructure DPD. The Inspector (Patrick T. Whitehead DipTP(Nott) MRTPI) concluded in his report (paragraph 84): 'The NPPF (para. 157) makes it clear that local plans should plan positively for the infrastructure required in the area. In the context provided by this new guidance I agree with SW that the requirement to upgrade the existing sewerage infrastructure where necessary should be included within policy wording'. The Inspector's Report can be accessed online at the following link: <http://www.ashford.gov.uk/urban-sites-dpd>.

We note that a provision of this policy is for development to 'Provide infrastructure, as set out in the Council's Infrastructure Delivery Plan...' however this plan remains in draft format and, as stated above, Southern Water relies on the planning system, through the application of planning conditions, to control when development connects into our

infrastructure.

The inclusion of our infrastructure within the IDP provides information to support the delivery of the Local Plan but does not in itself provide the mechanism for control over the delivery of infrastructure. That control comes from the implementation planning policy and other regulatory regimes and therefore our request that the express need for additional infrastructure at specific sites is recognised within each policy allows the planning authority to maintain control of when development connects to the network which Southern Water itself is unable to do. This is in line with Planning Practice Guidance (Paragraph: 003 Reference ID: 23b-003-20150326) which states:

'Policies for seeking planning obligations should be set out in a Local Plan [...] to enable fair and open testing of the policy at examination.'

Furthermore, it should be noted that this new site would connect to the Goddards Green Wastewater Treatment Works catchment, therefore the policy provision that we have requested be reinstated for Policy DP7: General Principles for Strategic Development at Burgess Hill would also be relevant to this Policy for development in Hassocks, for the reasons set out in our representation on that policy. Southern Water therefore request that this provision also be added to Policy DP9B.

To ensure soundness and consistency with the NPPF and Planning Practice Guidance, we propose the following bullet point (new text underlined) is added to Policy DP9B :
In addition to conforming to other relevant policies in the District Plan, strategic mixed-use development in this location will;

- Provide a connection to the nearest point of adequate capacity in the sewerage network, as advised by the service provider
- Not be occupied until necessary improvements at Goddards Green Waste Water Treatment Works and connecting pipework and pumping stations to increase the capacity and environmental quality are implemented.

Ref#	Comment#	Respondent:	Organisation:	Behalf Of:
192	1	Ms C West	West Sussex County Council	
Mod:	MM11	Neutral		

Highways

The County Council has considered the Mid Sussex Transport Study Stage 3: Technical Note of Model Procedures and Outcomes (Nov 2017). It is apparent from this work that the cumulative impact of development may lead to traffic reassignment between north-south corridors between Hassocks and Burgess Hill. In order to avoid impacts on the Stonepound Crossroads AQMA, the County Council consider that junction improvements in the South East of Burgess Hill should be investigated at the planning application stage. Therefore, it is considered that reference should be made in policy DP9B to the need for improvements to highway junctions in the South East of Burgess Hill, in order to mitigate traffic impacts from the proposed development.

The requirement in policy DP9B (Strategic Allocation to the north of Clayton Mills, Hassocks) for a dedicated electrical socket suitable for charging vehicles at each residential unit is overly prescriptive and would require parking spaces to be allocated to each dwelling. It is also unclear why this clause is proposed for inclusion in DP9B but is not included in the other strategic site allocations. If this requirement is due to the proximity of the Stonepound crossroads AQMA, it is suggested that the clause be amended to clarify that the requirement for electric vehicle charging facilities at this site is due to the proximity of the Stonepound Crossroads AQMA and also to allow sufficient flexibility to design the parking arrangements to be consistent with policy DP19 (Transport). It is suggest that the clause is amended to; "Due to the proximity of the Stonepound Crossroads AQMA, make provision for charging electric vehicles through a combination of active (i.e. ready to use) and passive (i.e. can be bought into use at a later date) provision to suit the parking arrangements".

Education

Request additional wording is added to policy DP9B (Strategic Allocation to the north of Clayton Mills, Hassocks), as in the other site allocation policies, after the reference to the requirement for a new primary school that "(including co-location of nursery provision and community facilities as appropriate)".

Ref#	Comment#	Respondent:	Organisation:	Behalf Of:
451	5	Mr R M Nailard	The Greenfield Guardians	
Mod:	MM11	Object		

The formation of such a substantial development area to a small village will impact hugely on the current settlement characteristic and rural feel for residents. The countryside selected currently provides a valuable rural landscape to the north and contains some distinctive wildlife including toads, grass snakes, slow-worms, adders and dormice. It also is part of the fairly flimsy green countryside buffer that remains separating Hassocks from Burgess Hill. To erode it further in this way will create near coalescence.

The impact on the rural infrastructure will be considerable with a current large deficit of school places, narrow rural roads and already problematic traffic congestion through Hassocks and the

neighbouring settlement of Hurstpierpoint for the inevitable increase in traffic volume. With minimal local employment opportunities, almost all the new residents would be travelling out of Hassocks to connect with major roads to get them to their places of employment.

The astonishing prediction of only 30 additional traffic movements at peak hours through the Stone Pound crossroads that this will cause is horrendously unrealistic. It will result in significantly more than this and its impact will be of major detriment to existing commuters. Currently these crossroads cause major delay problems at peak times. This is extended to other periods due to the volume of school traffic created by the shortage of Hassocks school places which forces parents to transport under 11 year old children to the surrounding settlements of Hurstpierpoint, Albourne, Burgess Hill and Ditchling for the start and finish of the school day.

Stone Pound crossroads has already got extremely high levels of air pollution which exceed safe tolerance levels and which forces drivers waiting in the queues to shut their windows and switch off their car ventilation. It also impacts badly on the residents of the surrounding area and promotes harmful health issues for them. This must be taken into account before any decision is made on this development allocation. See NPPF Policies 120 and 124 below.

Paragraph 120 of the NPPF states:- (the relevant wording requiring conformity is highlighted in yellow and underlined as follows).....

To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate to its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 124 of the NPPF states:- (the relevant wording requiring conformity is highlighted in yellow and underlined as follows).....

Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

An additional factor relating to this and the current inadequacy of local services to keep abreast with the current population demand, is that many NHS patients currently wait up to 3 weeks to get an appointment to see a doctor in some of the Local Health Trust Surgeries, results in these patients travelling to surgeries in adjoining settlements to get any urgent attention they need. This inevitably causes increased traffic volumes that will be significantly worsened by a massive population rise.

A full consultation with Hassocks Parish Council is needed to reveal all the problems such a proposal would generate before any final decision is made. A clause within the District Plan to ensure this should be inserted.

Ref#	Comment#	Respondent:	Organisation:	Behalf Of:
14982	5	Mr M Brown	CPRE - Mid Sussex	
Mod:	MM11	Object		

We have noted that this allocation is proposed in the context of the Inspector-required increase in the Plan's overall housing delivery target and the Council's comparative analysis of the District's potential strategic site options. We agree that option 2 is the preferable of the two options canvassed in MSDC22 for the reasons given there and also because an increase from 10 to 25 dwellings as an acceptable threshold would involve a long-term change to DP6 to resolve what the Council sees as a short-term problem. However

(a) No evidence is provided that the overall impact on Hassocks and its infrastructure capacity has been considered of the cumulative level of development already allowed and now proposed within the community. Only the need for a new primary school is mentioned. This site allocation policy should reference a study or all the village's infrastructure needs and plan for their provision. Accordingly the Policy Text should include an additional stand-alone paragraph at the end on the lines of: "The Council will, in conjunction with Hassocks Parish Council, undertake an early study of the village's infrastructure needs to support the enlarged community envisaged via this Plan, and will take into account the results of that study in the consideration of any strategic development application for this site in accordance with DP18." This would also give force to assurances given at paras 38 and 39 of MSDC22 as to ongoing discussions between the Council and Hassocks PC.

(b) The Council should publish the evidence justifying the Council's surprising assumption that a 500 dwelling new settlement will only generate 30 traffic movements at peak hour through the Stonepound Crossroads and the conclusion that it will consequently have no significant impact on the Stonepound Crossroads AQMA so that it can be tested. In any case any deterioration in the air quality at a populated location where the level of pollution already exceeds safe tolerance levels must be regarded as significant: a sound policy must require and plan for a reduction in emission levels to below minimum critical levels, and the requirements of NPPF paras 120 and 124 must given due weight. We draw to your attention a High Court decision this week that a Council was justified in rejecting a planning application where developer financial contributions did not demonstrably translate into measurable mitigation of adverse effects on an AQMA. (Gladman Developments v SCLG and CPRE Kent [2017] EWHC 2768 (Amin));

(c) The anticipated wider traffic impacts on neighbouring communities in Hurstpierpoint, Keymer and Ditchling as well as Burgess Hill should also be made public;

(d) The supporting text misleadingly implies that there are no environmental or heritage issues associated with development of this site. It appears that no analysis has yet been undertaken as to whether a strategic development on this site could be implemented without harm to the setting of the South Downs National Park or of the two nearby listed heritage assets. In our view the supporting text needs amendment

(i) DELETE the misleading paragraph: "There are no significant environmental designations on-site or in proximity that would be negatively affected by development." And all the following paragraph beginning "The eastern area of the site", and

(ii) By adding a new sentence in its place on the lines of "In determining any application to develop this site the appropriate weight required by the NPPF will be given to protecting the setting of the South Downs National Park and to any harm it would cause to heritage assets, including the setting of Ockley Manor (Grade II*) and Ockley Manor Barn (Grade II). Prospective developers will be required to take appropriate measures to ensure that harm to their settings is avoided."

Ref#	Comment#	Respondent:	Organisation:	Behalf Of:
15175	3	Mrs L Howard	South Downs National Park Authority	
Mod:	MM11	Neutral		

The SDNPA and all relevant authorities (which includes Mid-Sussex District Council) are required to have regard to the Purposes of the South Downs National Park under Section 62 of the Environment Act 1995. These purposes are 'to conserve and enhance the natural beauty, wildlife and cultural heritage of the area' and 'to promote opportunities for the understanding and enjoyment of the special qualities of the national park by the public.' However, we have concerns in regard to this duty arising from analysis of the Strategic Site Selection paper, which provides supporting evidence for the emerging Local Plan In particular the following errors have been identified:

❑ Site B: Land to the East of Burgess Hill – Reference is incorrectly made to AONB rather than National Park. It is described as being remote from high status protected areas whilst located less than 300m as the crow flies from the National Park boundary.

❑ Site R: Land north of Clayton Mills, Hassocks – Reference is incorrectly made to AONB rather than National Park. It is described as being remote from high status protected areas whilst located s just over 200m from the National Park boundary at its closest point. In addition, our maps show that there are areas to the north-west of the site that are susceptible to surface water flooding, The maps also show a number of field drains and springs within the site. The assessment only considers fluvial flood risk.

This assessment of Site R has followed through in terms of the SA/SEA whereby no flood risk is identified and the site is not considered to be in close proximity to the National Park. Ultimately a change in the scoring may not alter the proposal to allocate the site, but it does not, as it stands, appear to fulfil the requirements of Section 62.

In terms of the allocation of the site north of Clayton Mills (Site R), we have the following comments to make:

We do not consider that there are likely to be significant and direct (landscape or visual) impacts upon the National Park. However, we do consider that there will be a number of indirect impacts and as a result opportunities for significant benefits for wildlife and green infrastructure should be sought. This would also help to improve the visual impact of the new scheme in any glimpsed or long distance views from within the National Park. Recognising these issues early, and requiring a strong rural edge with significant green infrastructure, will lead to a better quality of development.

Other matters that should also be addressed include:

❑ Rights of way improvements into the National Park, allowing people to avoid busy roads, given its proximity.

❑ Retaining the rural character of the local lanes.

❑ Lighting should be kept to an absolute minimum at this location. We would hope no street lights and only low-level lighting where it is absolutely necessary.

❑ Other sustainability measures such as cycle storage, rainwater recycling, SuDS, and energy efficiency measures of all kinds can all help to minimise car travel and water use and support the National Park's tranquillity.

As a result, if the allocation remains in the Plan, the proximity to the National Park should be included within the supporting text as well as the policy. As currently drafted there is a very broad statement in the policy that we believe does not go far enough to demonstrate how MSDC and any applicant will engage with the SDNPA. We request that the following (or similar) wording be included within the supporting text:

'Pre-application advice and/or any planning application/s submitted in respect of this site, shall include a detailed landscape and visual impact assessment (LVIA) in relation to

the setting and special qualities of the South Downs National Park (SDNP). The LVIA (or any EIA required at application stage) shall be prepared following full engagement and discussion with the SDNPA to enable it to reflect specialist advice relating to landscaping, design, cultural heritage, accessibility, green infrastructure, wildlife and dark night skies. This will ensure that any development in this sensitive location provides suitable mitigation including a strong rural edge with significant green infrastructure designed to reduce its visual and overall impact on this designated.'

Ref#	Comment#	Respondent:	Organisation:	Behalf Of:
16427	8	Mr E Fielding		
Mod:	MM11	Object		

- This policy is not sound since there is no secondary or sixth form education provision. The children who go to the primary schools will not have secondary schools to go to.
- There is no mention of 6th form education which does not enable the District to satisfy the Government requirement to enable children to remain in education until they are 18 – this is not a sound policy.
- It is to be applauded that there is a requirement for improvements to public transport, safe pedestrian /cycling connectivity with surrounding settlements is being required but there are no details of what or when this will improve but they do not extend beyond Burgess Hill and so the wider District will not benefit.
- It is to be applauded that there is a requirement for provision for electric vehicles and charging points which will enable MSDC to progress its plans for a reduced carbon footprint and to improve or maintain the air quality in the District.
- This policy has negated to cover the impact on the SSSI at Ditchling Common or the proximity to the South Downs National Park, these will both be negatively impacted by such a development as detailed in DP8 for the strategic development at Burgess Hill at Kings Way

Ref#	Comment#	Respondent:	Organisation:	Behalf Of:
17488	4	Mr C McClea	Savills	Wates - Burgess Hill Northern Arc
Mod:	MM11	Object		

5.1. A further Strategic Allocation to the north of Clayton Mills, Hassocks, is included in the District Plan. This allocation comprises approximately 500 new homes, a primary school and provision towards permanent pitches for settled Gypsies and Travellers/or contributions.

5.2. We have reviewed the proposed policy text for DP9B Strategic Allocation to the north of Clayton Mills, Hassocks, with particular regard to consistency in relation to the allocation of land to the north and northwest of Burgess Hill.

5.3. We note that MSDC will work with the promoter/ developer of the site, and the Parish Council, over the preparation of an allocation-wide masterplan to guide the future development of the site. It is not specified whether this allocation-wide masterplan is to be approved and adopted by MSDC prior to a planning application being submitted for this site. We suggest the wording in Policy DP9b is expanded to provide clarification.

5.4. Unlike BHNA, this allocation is not required to provide an Infrastructure Delivery Strategy (IDS), Phasing Strategy (if necessary) and Financial Appraisal. Although we appreciate that this allocation is smaller than BHNA, we consider this strategic development will still contribute important infrastructure to the District, and thus, should be required to prepare similar overarching documents to guide the delivery of infrastructure and demonstrate viability. This will help to ensure the necessary infrastructure to support

the development is set out clearly and delivered in a timely manner. Should this site be under single ownership, it is likely an outline application would be submitted on the entire site, therefore, an IDS may not be necessary. Policy DP9B should either require a single planning application for the entire site to be submitted, or an IDS to be prepared in the event of multiple applications.

5.6. The following requirements are included in proposed Policy DP7 (General Principles for Strategic Development at Burgess Hill), which are not required for Strategic Allocation to the north of Clayton Mills, Hassocks. Whilst we appreciate some of these requirements are specific to Burgess Hill, we have underlined those parts of the requirements which we believe should also be incorporated into Policy DP9B, to ensure a consistent approach across all Strategic Allocations:

- ☑ 'Be designed in a way that integrates it into the existing town providing connectivity with all relevant services and facilities;
- ☑ Provide additional, high quality employment opportunities including suitably located Business Park developments accessible by public transport;
- ☑ Improve public transport, walking and cycling infrastructure and access to Burgess Hill and Wivelsfield railway stations and Burgess Hill Town Centre, including the provision of, or contributions to enhancing transport interchanges;
- ☑ Provide necessary transport improvements that take account of the wider impact of the development on the surrounding area;
- ☑ Provide highway improvements in and around Burgess Hill including addressing the limitations of the A2300 link road and its junction with the A23 and east-west traffic
- ☑ movements across Burgess Hill and, where necessary, improvements across the highway authority boundary in East Sussex;
- ☑ Provide new and improved community, retail, cultural, educational, health, recreation, play and other facilities to create services and places that help to form strong local communities and encourage healthy lifestyles;
- ☑ Provide new and/or improved, well connected sports, recreation and open space in and around Burgess Hill, including the continuation of the existing 'Green Circle' of linked areas of informal open space around the town along with its associated network of multi-functional⁵ paths, the Green Circle network, and links into the town centre;
- ☑ Support the delivery of a multi-functional route between Burgess Hill and Haywards Heath;

- ☑ Provide a Centre for Community Sport in the vicinity of the Triangle Leisure Centre;
- ☑ Identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity and contribute to the delivery of green infrastructure in and around the town in accordance with policies elsewhere in the Plan including DP37:Biodiversity and DP38:Green Infrastructure;
- ☑ Provide an effective telecommunications infrastructure, including provision for broadband.'

5.7. We consider the inclusion of these requirements will ensure this Strategic Allocation provides the necessary housing and supporting infrastructure in a timely and achievable manner.

Ref#	Comment#	Respondent:	Organisation:	Behalf Of:
20117	11	Mr RTH Jackson	Mid Sussex Liberal Democrats	
Mod:	MM11			

We have previously tried to address the issues with this site earlier in our response. However, it must be stated we see this as an opportunistic windfall site by a developer rather than a well-researched site which benefits our district and Hassocks in terms of sustainability criteria as set out in the council’s assessments for other sites. We judge this as a windfall site as it was brought to council by a developer as a complete scheme without negotiation as a ‘fait accompli’, and without satisfactorily mitigation of transport access and safe pedestrian connectivity to the rest of Hassocks.

Furthermore, we fail to see how a site can be consulted on in any meaningful way when the site has already been voted on and agreed by the clear majority of councillors, with the notable exception of a new ward councillor. To then say it is being included in a consultation is beyond patronising.

Hassocks and Hurstpierpoint Liberal Democrat Local Party Branch has submitted a more comprehensive document on this issue (Clayton Mills). Please accept it as part of our overall response to the consultation. It has already been forwarded to the Inspector. However, we have reattached it to this broader response in case there is a problem in locating it.

Ref#	Comment#	Respondent:	Organisation:	Behalf Of:
20338	1	Rt Hon N Herbert MP		
Mod:	MM11	Object		

I am writing in response to the consultation on the Main Modification to the Mid Sussex District Local Plan. I wish to object to proposal DP9b: Strategic Allocation to the north of Clayton Mills, Hassocks, Modification Reference MM11, about which I have serious concerns.

I do not believe that the arbitrary allocation of a strategic site of 500 houses in Hassocks is necessary given that Mid Sussex District Council can already demonstrate a 5-year housing land supply. As the Council itself notes, this proposal would increase the land supply from 5.2 to 5.47 years (equivalent to a surplus of 506 dwellings). This does not appear to me to be a sufficient or necessary gain to justify the impact on Hassocks and its neighbourhood plan. I have written to the Secretary of State for Communities and Local Government asking him to confirm that additional provision above the current 5.2 years is not a formal requirement to find the plan 'sound'.

An allocation of this size in the village would be unsustainable. The Parish has 3,382 households, and taken together the proposed new strategic allocation, neighbourhood plan allocation and additional housing from windfall sites would amount to 1,200 dwellings, increasing the size of the village by a third over two decades. Quite apart from the impact on the character of the village, the already insufficient local infrastructure will be completely inadequate to support development on this scale. An increase in the size of the village on the proposed scale, by this means and outside its neighbourhood plan, is not the right way forward.

I believe it is important to maintain the green space between settlements and to avoid the random creation of a suburban sprawl. A development of 500 houses in this location would be a major step towards eroding the gap between Burgess Hill and Hassocks, which would reduce to just over half a mile.

The draft Hassocks neighbourhood plan proposed 140 houses on this site, yet proposal DP9b is for a three and a half times this number. The neighbourhood planning process allows for careful local consultation over a period of years about proposed sites for housing, culminating with a referendum to validate it. By contrast, the current modification process runs roughshod over this process, requiring the village in a very short period of time to accept the housing as a 'strategic allocation' on a site opportunistically proposed a developer. My concern is that through this proposed modification to the neighbourhood planning process is being seriously undermined. Instead of plan-led housing, the Council's proposed modification licenses random, developer-led housing which has not been properly considered.

While there is an argument that issues such as infrastructure requirements (a new primary school, for example) could be better dealt with by such an allocation, my strong view is that this should not be at the expense of neighbourhood planning, which across the country has delivered more housing than expected through a consultative process. It is regrettably true that Hassocks started its neighbourhood plan too late, leaving the village behind others such as Hurstpierpoint (which made its plan two and half years ago) and more vulnerable than it would otherwise be. It has been suggested that if a planning application was made for the 500 houses, irrespective of the proposed strategic allocation by the Council, it might succeed. However, this is a specious argument, since the proposed allocation would impose 500 houses on Hassocks anyway. The village will have a chance to resist such a speculative planning application as being contrary to its draft neighbourhood plan. It will have no chance if the development is imposed.

I recognise the need to increase the supply of homes nationally, and that Mid Sussex must meet local housing need. Clearly Hassocks will have to play its part in this regard, and I believe most local people understand that. However, an increase in the size of the village on the proposed scale, by this means and outside its neighbourhood plan, is not the right way forward. It is very strongly opposed in the village. The strategic allocation should be rejected.

Ref#	Comment#	Respondent:	Organisation:	Behalf Of:
20527	2	Mr W Cobley	Terence O Rourke	Gleeson
Mod:	MM11	Support		

Our client supports the inclusion of this housing allocation, which will provide an important contribution to Mid Sussex District's housing supply. Our client is committed to working with the Council and the local stakeholders to deliver this strategic development. It is their intention to enter into a collaborative agreement with officers to determine the future working arrangements, public consultation and application programme. This will be formalised through a Planning Performance Agreement (PPA) in order to provide the Council with further certainty over the delivery of the scheme. Subject to obtaining planning permission it is estimated that the site could deliver at least 150 dwellings within five years. In order to assist your consideration of the site's potential contribution to the Council's supply, we have set out the anticipated delivery in Appendix 1.

The site is in single ownership and is available for development without encumbrances. Our client's work on the site to date indicates that the delivery of the proposed development is not predicated on the need for any private third party land. Our client has appointed a full consultant team to undertake all of the necessary technical work to advance an acceptable planning application and to bring the site forward for implementation. The initial assessments have confirmed that the site is suitable, available and achievable for development comprising 500 new homes and a primary school. This work is summarised below.

Master Planning

Our client's Master Planner has started to consider the layout of a scheme, having regard to existing constraints and the local context. This work has shown that the site can accommodate the proposed quantum of housing and a school, whilst also incorporating the necessary landscape buffers, open space, access and infrastructure. It is the intention that this work will now be developed with the Council and local stakeholders to inform the layout for a future planning application.

Housing mix

Our client believes that the site can meet the Council's full affordable housing requirement on-site and will provide a broad range of homes to meet identified local needs. Discussions are on-going with officers to determine the precise level and location of permanent pitches for settled Gypsies and Travellers, which may be on or off-site dependent on the outcome of these discussions.

Education

Initial discussions have been held with West Sussex County Council as Education Authority, who has confirmed the need for a two-form entry primary school and the suitability of the site. These discussions are now continuing to determine the precise location and specification of the school, which will be included in the forthcoming planning application.

Transport

Our client's transport consultant has undertaken an outline transport assessment and initial consultation with relevant officers from both MSDC and WSCC. The site is considered to be accessible to a range of destinations and facilities by a choice of travel methods, including sustainable transport options. A safe and suitable access to the site can be achieved via a simple priority junction on the west side of Ockley Lane, with a secondary access point for emergency vehicles only. The development will also provide improved pedestrian and cycle connectivity along Ockley Lane and the northern side of Hassocks. Consideration has also been given to local concerns raised in respect of the development's proximity to the unmanned railway crossing to the west of the site. Options surrounding this will be fully explored with Network Rail, local residents and the Council.

Initial transport modelling of the development flows (including committed development) show that the local highway network within Hassocks will continue to operate satisfactorily and the residual cumulative impacts are not severe. It is anticipated that the development will only have a negligible effect on the Stonepound Crossroads junction as southbound traffic is predicted to use the more direct route from the site via Lodge Lane. Although further assessment of the junctions within Burgess Hill is on-going, it is not anticipated that these will show any significant transport impacts that cannot be mitigated by the development.

Landscape

The landscape architect appointed by our client has undertaken an initial site visit and identified suggested viewpoint locations in the wider area, which will be agreed with MSDC/WSCC landscape officers prior to further assessment being undertaken. Consideration will be given to nearby residential receptors and users of the footpath, Ockley Lane, the railway, other publically accessible points in the surrounding area and views from the South Downs National Park (including the elevated areas to the south). The proposed development will facilitate the improvement of the existing public open space to the south.

Archaeology and built heritage

The western part of the site lies within an archaeological notification area, designated in response to prehistoric and Roman remains found during the development of the land to the south. A geophysical survey will be undertaken to determine the archaeological interest of the site and inform any potential need for further investigations which will be agreed with the County Archaeologist. Our client's heritage consultant has undertaken an initial appraisal of the site and surrounding area, which identified the field patterns within the site and considered the setting of the listed structures at Ockley Manor within the design process.

Ecology

Our client's ecologist has undertaken a phase 1 habitat survey of the site and subsequent phase 2 protected species surveys. The survey work identified the presence of great crested newts in the pond within Clayton Mills to the south, dormice within the woodland and hedgerows, low populations of reptiles in the field margins and skylark and yellowhammer utilising the site. Bat surveys to date have identified the following species including common and soprano pipistrelles, brown long eared bats, noctules, Leislars, serotine and myotis species.

Our client is committed to providing the necessary ecological mitigation and options for incorporating ecological enhancements within the design are being explored through the master planning process.

Noise

Initial noise monitoring carried out at the site records the passing of trains on the adjacent railway line as the dominant ambient noise source. This work has fed into the design process, in terms of proposed land uses and the consideration of positioning/orientation of buildings.

Air Quality

Consideration has been given to the potential impact on Stonepound Crossroads Air Quality Management Area (AQMA) from any increase in vehicle emissions as a result of the development. The initial traffic modelling indicates that only a very small number of development vehicles will pass through the AQMA, which is unlikely to result in a significant effect on the air quality.

However, a full air quality assessment (including cumulative considerations) will be undertaken in support of the application.

Hydrology and flood risk

The site lies within flood zone 1 (low probability of flooding), although parts of the north and west are subject to medium to high risks of surface water flooding. Initial calculations in respect to the potential sizing of appropriate SuDS features for the proposed development have been undertaken and can be accommodated within the site area.

Conclusion

Our client considers that the proposed amendments to the Plan, positively respond to the urgent housing need in the District and the unmet needs of Crawley. The strategic allocation at Clayton Mills is fully deliverable and will provide an important contribution to the District’s overall supply. The cumulative changes are considered to result in a Plan that fully meets the national tests of ‘soundness’ as set out in the NPPF and national policy.

Ref#	Comment#	Respondent:	Organisation:	Behalf Of:
20534	3	Ms K Lamb	DMH Stallard	Welbeck Strategic Land LLP (Imberhorne F
Mod:	MM11	Object		

4.14 Welbeck do not object in principle to the inclusion of Policy DP9b and the allocation of land north of Clayton Mills, Hassocks. However, Welbeck do submit that the evidence base used to identify this site for allocation is unsound, our representations in this regard are set out in Sections 2 and 3 above.

4.15 There are other sites capable of accommodating strategic development that would also deliver a similar level of development (if not more) within the 5 year HLS. Furthermore, MSDC are accepting within Policy DP9b that major constraints such as air quality can be written into policy to ensure they are dealt with as part of a planning application. On this basis, sites such as land west of Imberhorne Lane, East Grinstead, could be allocated. It has been demonstrated that land west of Imberhorne Lane, East Grinstead is relatively free of constraint, and that the proposal would offer significant community benefits including (but not limited to) housing for older people and education facilities, a matter which MSDC accept in their SHLAA. It is only restricted by the town-wide highways constraints, which could be successfully mitigated and required through the drafting of policy, in the same way air quality is dealt with in policy DP9b.

4.16 Welbeck submit that the evidence base unpinning Policy DP9b (EP23a and MSDC22) must be reviewed and amended as suggested in Section 3, without a full update to this evidence base, the District Plan remains unsound (ie. it is ineffective and is not positively prepared). This update would identify that land west of Imberhorne Lane is the most sustainable alternative for strategic development. It is accepted that it is affected by highways constraints, but these could be dealt with successfully through any forthcoming policy.

Ref#	Comment#	Respondent:	Organisation:	Behalf Of:
21042	1	Mr C Wilsdon	Hassocks and Hurst Liberal Democrats	
Mod:	MM11	Object		

A: We consider that the Council has not fulfilled its obligations to consult and publish its proposals.

<http://www.midsussex.gov.uk/media/3417/sciplanningdecisionsadopted.pdf>:

1. Under Stage 1 the Council are obliged to: collect evidence through various sources; notify and work with groups, organisations and residents; consider issues and alternatives; and prepare content of draft document and provide feedback where possible. Their efforts on this have been insufficient. In particular they have not carried out a full assessment of the site in relation to other sites or of other alternatives such as increasing the level of acceptability for windfall developments around existing settlements.

2. The Council did not ensure that the proposed modifications were displayed in public libraries. In particular papers were not displayed in Hurstpierpoint Library. The Council was slow to publicise it via a press release. The response form was obtuse and we received several complaints from members of the public that they were confused and didn't know how to fill it in.

3. The updated transport assessment was not made available until October 26th, cutting the time available for comment on that element of the proposals to under three weeks, contravening the minimum 6 week requirement.

B: We consider that the modification to designate land to the north of Clayton Mills as a new strategic site with capacity for 500 houses is unsound for several reasons.

1. The large increase in the number of houses over what has previously been recommended in the nascent Hassocks Neighbourhood Plan will create a shock to the infrastructure of Hassocks and there is no evidence that preparation has been made for this in the proposals. In particular it is generally agreed that there will be a need for a new primary school but the proposals do not give any commitment to providing a school, only to setting aside land.

2. The transport analysis produced by Gleasons was only made available at a very late stage. It suggests that traffic travelling south will use Lodge Lane to access New Road and the A273. No consideration has been given to the modifications that may be needed to the junction of Lodge Lane and New Road.

3. The Council assessment states that " Bus provision and frequency at this site is good". There is only one regular bus service (no. 33) which is mainly an hourly bus service, terminating in the late afternoon. This is inadequate to encourage sustainable travel in the morning peak and unavailable for most workers in the evening peak.

4.

5. It is suggested in Gleasons Transport Study that South Haywards Heath, Burgess Hill, Ditchling and Hurstpierpoint are accessible by cycle from the site but mainly on the carriageway. Access to the north involves cycling up Ockley Lane which is a fast narrow link road between Hassocks and Burgess Hill with a challenging hill close to the site.

Many cyclists would not use it. There

are no proposals for an off-road route north to Burgess Hill. This is an example of the rushed character of the Designation and further undermines any suggestion that the site is sustainable from a transport perspective.

6. The site significantly closes the gap between Hassocks and Burgess Hill and will make the two communities more vulnerable to coalescence in the future. Coalescence is not an adopted policy of MSDC at the moment. The coalescence of a downland village with a neighbouring town in the proximity of the National Park is a major development which needs to be considered

on its merits. The Designation preempts and weakens the possibility of such a consideration.

7. The supporting documentation underplays the location of the site in relation to the South Downs National Park. It states that the site is remote from any AONB/National Park. In fact the National Park boundary runs less than 300m to the east of the site.
8. As viewed from the north the landscape setting of Hassocks, fronting the South Downs, will be seriously affected.

Ref#	Comment#	Respondent:	Organisation:	Behalf Of:
21055	1	Mr W Matthews	Labour Party - Hurstpierpoint and Hassocks	
Mod:	MM11	Object		

At a recent branch meeting, and following consultation with key Branch Officers not in attendance, it was agreed to combine with the local Liberal Democrat and Green Parties to oppose the proposed '500 Houses' development to the North of Clayton Mills, Hassocks.

Our response takes account of the spirit of the guidelines that accompany the online document listing the main modifications to the District Plan, namely that the legality and soundness of the proposals be addressed.

Firstly, we observe that the modification entirely ignores the outcome of the recent Hassocks Neighbourhood Planning process. The District Council has, with undue haste and with minimal debate, seized a chance to resolve its own difficulties regarding its previous lack of success in concluding a District Plan. Attention should be drawn to the likely corrosive effect on belief in the democratic process should this modification prevail over the Hassock's Neighbourhood Plan.

Secondly, as a branch we are committed to the principle of maintaining a significant strategic gap between the Hassocks and Burgess Hill settlements. The proposed development, incorporated into the plan just two months ago, and passed after a little over an hour's debate in Council, will transgress the previously set development edges of the two settlements and reduce the strategic gap to a little over half a mile.

Thirdly, MSDC had the option of either a strategic allocation or of additional "fringe" locations of up to 25 homes on the edge of existing settlements. By making just one such 25-home allocation within the District, in addition to the 140 houses proposed by the Hassocks Neighbourhood Plan ("HNP"), MSDC could have done more to boost the 5-year land supply than does the DP9b strategic allocation – because the latter has a greater infrastructure requirement. Therefore, MSDC has failed to identify how best to achieve a sound 5 year housing land supply and has failed to achieve the principal objective that DP9b purports to achieve. Therefore, the DP9b strategic allocation is prima facie not sound.

Fourthly, we would highlight the adverse environmental effects of increased traffic in Ockley Lane, with a large number of additional car journeys each weekday using what is a B road. In time this would contribute to the likely development of another "Stonepound Crossroads", already the most polluted junction in the district, to the East of the village at the Ockley Lane / Keymer Road / Lodge Lane junction. The outline Transport Assessment, referred to as the MSDC 24 study relied on by MSDC, fails to take account of several important factors that individually and collectively make the proposed development unsustainable:

a. As the strategic site is designed to provide for housing "need" that arises outside of Hassocks means that the volumes of traffic that will be created will be significantly larger than if this development were simply to satisfy locally generated "need" from within the Parish.

b. Ockley Lane was not built to carry this additional weight of traffic and would require significant upgrade to carry the traffic.

c. There is a width restriction on Ockley Lane that the MSDC24 fails to take account of: Ockley Lane is too narrow, undulating and poorly lit to be suitable for cyclists especially with the additional volume of traffic that would be using this road.

d. There is no public transport service of a frequency that supports travel to and from the development site at times required by workers, school children and shoppers.

e. The walking distance from the sites exceeds that normally assumed to be the limit beyond which people will not walk, but will resort to cars.

f. There is insufficient demand for employment in Hassocks to absorb (or indeed require) a housing estate of the size proposed.

g. That part of the traffic heading for work in Brighton will (if it does not travel through Hassocks) have to travel down Lodge Lane and pass through the junction of Lodge Lane and New Road: the MSDC 24 transport study failed to model this critical junction which is already dangerous by virtue of the volume and speed of traffic using New Road.

h. Such traffic heading south or west that does not use Lodge Lane, will pass through Hassocks and the Stonepound Crossroad. MSDC has failed to quantify and assess the impact of this additional traffic on the air quality management area (AQMA) at Stonepound which it has a legal duty not to exacerbate.

To mitigate the burden on Ockley Lane, Lodge Lane, Stonepound and the centre of Hassocks, a new road could be provided east-west through the site linking Ockley Lane and the A273 through Friars Oak Fields. The fact that MSDC considers this unnecessary when the outline transport study has ignored the factors above, we consider negligent and points to the lack of soundness of the strategic site allocation.

Fifthly, MSDC has a legal duty set out in the National Planning Policy Framework (“NPPF”) paragraphs 132 to 137 with regard to heritage assets. Ockley Manor, a Grade II* listed building, is adjacent to the proposed site and the development would engulf the former estate and outlook of the Manor. The NPPF says “substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional. It further says that “Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible”. These things MSDC has wholly failed to do. Para 136 of the NPPF says “Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.” We contend that the MSDC does not protect and enhance the setting of Ockley Manor but instead traduces it. Labour Party members are not immune to the value of history and tradition. We suggest that to protect and enhance the setting the development could be mitigated by keeping free from development the sightlines from Ockley Manor out to the west and from the railway line east to the façade of Ockley Manor, thus a triangular housing-free zone” fanning out 45 degrees either side of the east-west line from the facade of Ockley Manor. As MSDC has assured none of these things the strategic site proposed is in our view not sustainable.

Sixthly, there will be a huge impact on local infrastructural services arising from a development of the size proposed. Local schools, already over-subscribed, and the Doctor’s Surgery will particularly be under increasing and unsustainable pressure. We note the reference to a ‘new primary school’ in the modification but recall that the last major development locally, Clayton Mills, came with the promise of a new Health Centre that never materialised.

In conclusion, the DP9b strategic allocation is wholly unsound and we consider legally unsustainable. The cumulative impact of this development on Hassocks, if it were to be accepted, would be to significantly alter the character of the village, and may ultimately lead to coalescence with Burgess Hill. There would also undoubtedly be resident resentment arising from the feeling that the District Council has behaved badly towards the one area which does not totally support the ruling group.

Ref#	Comment#	Respondent:	Organisation:	Behalf Of:
21121	2	Ms K Lamb	DMH Stallard	Consortium 'Land West of Copthorne'
Mod:	MM11	Object		

The Consortium do not object to the inclusion of a new site allocation on land north of Clayton Mills, Hassocks. However, it demonstrates the ability of MSDC to identify further land to meet the housing requirement, and to make modifications to the District Plan within a short space of time. The Consortium wrote to MSDC in August 2017 suggesting that the land west of Copthorne be allocated for housing, identifying its ability to deliver more than the extant planning permission. Furthermore, the Consortium requested that in the absence of a site allocation, the settlement boundary be amended to include the site as once the District Plan is adopted, 500 units plus employment land will remain in the ‘countryside’. MSDC responded stating that they “ not able to start a review of settlement boundary at this relatively late stage of the District Plan making process”, no reference was made to the ability of the District Plan to include the site as a housing and mixed use allocation.

Ref#	Comment#	Respondent:	Organisation:	Behalf Of:
21143	1	Ms S Heron	Rydon Homes	
Mod:	MM11	Object		

1.0 The District Plan Examination

1.1 To assist Rydon in its response to this Modification it has tried to evaluate, in brief, the discussions held and the conclusions reached during the EiP in order to establish whether the Council's decision is justified and whether it offers the most effective proposals that is consistent with national policy in line with Para 182 of the NPPF.

1.2 The Council submitted the District Plan and Focused Amendments 2016 to the SoS on 17 August 2016. The Inspector, Jonathan Bore, responded to the Council, prior to any hearings, with his initial concerns with regard to the proposed housing requirement and the 5 year housing land supply (ID1), which were subsequently discussed and considered at length during the EiP hearings in Nov 2016- through to Feb 2017. Throughout these hearings, Mid Sussex stood firm that the SHLAA had considered all available sites that had been brought forward by developers/landowners, tested all Strategic Sites over 500 units through its SA and had subsequently concluded that it did not have capacity to deliver a higher housing target either due to environmental constraints or delivery concerns.

1.3 In the Inspector's interim conclusion letter to the Council dated 20 February 2017 (ID11), Johnathan Bore concluded that the Council needed to increase its annual housing target from 800dpa to 1,026dpa and in order to do such they needed to undertake the following:

'Further work will be required to identify sites or broad areas of land for potential development. At the hearings the Council expressed a strong preference for undertaking this work now. In conjunction with other public bodies and the development industry, there needs to be a positive and proactive re-assessment of known sites and the identification of potential areas of growth. The self-imposed threshold for strategic sites should be lowered significantly from the current 500 dwellings. This will not only help with the identification of sites, it will enable a range of sites of different sizes to come forward at different times, and will limit exposure to delivery issues that can arise from the identification of only two or three very large sites, a subject which is particularly relevant to 5 year housing land supply. For the same reasons, as well as identifying strategic sites, the Council is strongly advised to bring the Site Allocations Plan forward to an earlier date – although that might not be so important if the strategic sites threshold is dropped substantially and a range of sites and locations is identified now.

As part of this work, the spatial strategy should be clarified by establishing the approximate number of dwellings expected in each settlement or groups of settlements. The District Plan is a strategic plan and should contain this information. As submitted it is not sound because it provides inadequate guidance to neighbourhood plans and to the future Site Allocations Plan on the amounts of housing development they should aim to accommodate. Up to now, neighbourhood plans have been produced without sufficient guidance of this sort and indeed without the knowledge of the OAN and housing requirement. Future plans, both neighbourhood plans and the Site Allocations Plan, must take account of both the housing requirement and the numbers of new homes expected in each settlement otherwise they could well be at variance with the District Plan's spatial strategy and be unsound themselves. The District Plan must state that all future rounds of planning at the level below the District Plan must take into account the District Plan's spatial strategy and the amounts of development it expects at particular settlements. The 5 year housing land supply will need to be calculated against the minimum housing requirement of 1,026dpa once the site and land identification process has been undertaken. The methodology and trajectory can be discussed again at that time'.

1.4 Various correspondences were had between the Inspector and Mid Sussex following his initial recommendations. Of particular relevance is a letter dated 8 March from the Council to Mr Bore (MSDC12) which sets out the Council's positions and concludes that it would be prepared to incorporate an OAN of 876dpa into the plan which would

be used for the basis of a five year supply. Despite the Inspectors reservations he indicated in his letter of the 17 March 2017 (ID18) that it maybe possible for the Council to modify the District Plan to incorporate a stepped housing requirement timed to coincide with the adoption of a site allocation DPD to 'mop up' any shortfall and in order to meet Crawley's unmet needs. He consequently concluded that a potential way forward would be to set a plan requirement of 17,442 dwellings with an annualised figure of 876 for the first five years, stepped thereafter for the remaining plan period. He highlighted that a Site Allocation DPD would need to be adopted by 2020/21. It was shortly confirmed by Mid Sussex on 23 March 2017 (MSDC 14) that it was in agreement with this principle and based on 876dpa the letter stated that 'the Council anticipated that it will be able to achieve a 5 year supply position without the need for any significant further assessment'. It updated its five year supply position (MSDC15b) which concluded a 5.05 year supply under the Sedgefield (20% buffer) and 5.20 years supply under the Liverpool (20% buffer) and confirmed a number of commitments to finding new sites and reviewing the Local Plan in MSDC18 and 18a.

1.5 To address the Inspector's comments on the spatial strategy and numbers to settlements, highlighted in his interim conclusion letter of 20 Feb and based on the above agreement of a stepped trajectory, the Council produced MSDC20 which set out a revision to DP5 Housing. This paper sets out the minimum housing requirement for the Plan Period and identified a number that each Parish had to meet over the life time of the Plan. It further included the methodology to how they derived this figure. This set a remaining target of 334 to Hassocks to be met over the remaining plan period.

1.6 The EiP was reopened on 25 and 26 July 2017, the agenda of which is set out in ID25. While the Inspector did not issue any formal response to evaluate his conclusions during these two days, it is Rydon's understanding that Mr Bore indicated that it would consider a plan, based on a plan requirement of 16,390 dwellings with an annualised figure of 876dpa for the first five years (based on the Liverpool method and 20% buffer) stepping up thereafter. In order to assist the delivery of the higher figure, Mr Bore directed that the Council needed to commence its Site Allocation DPD to assist the allocation of the additional sites required to deliver MSDC8c and a review of the District Plan thereafter. He further suggested that a five year supply was 'fragile' and that Mid Sussex should perhaps consider increasing the threshold in DP6 from 10 to 20 in order to allow for additional unallocated sites to come forward to help boost the five year requirement.

1.7 This brings us to the Main Modifications and the evidence base that supports it, which includes the District Plan Sustainability Appraisal, the Habitats Regulation Assessment MSDC22, 23 and 24. As above the key Modification that Rydon would like to take the opportunity to comment on is MM11.

1.8 Rydon Homes considers that the introduction of the Strategic Site at Clayton Mills, Hassocks at the Main Modification Stage cannot be considered sound in accordance with Para 182 for the following reasons: -

1. It is not justified. In reaching its conclusions to allocate the site, the Council has not considered all other reasonable alternatives to assist the five year housing land supply as set out in MSDC22, nor has it sufficiently justified why certain options have been discounted.

2. It is not consistent with national policy and does not enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework (NPPF).

3. It does not offer the most sustainable options to assist the five year supply shortfall

4. It does not reflect the strategic options of the District Plan, particularly with regard to the plans visions to promote well located and designed developments that reflects the District's distinctive towns and villages, retain their separate identity and character and prevents coalescence.

5. It has not been produced in line with the Council's Statement of Community Involvement in line with Section 19 of the Planning and Compulsory Purchase Act 2004

6. The options is supported by inconsistent evidence base

7. The SA is not consistent and has not considered all reasonable alternatives

2.0 Is the option to allocate Clayton Mills Hassocks Justified?

2.1 The Council's justification for the allocation of Clayton Mills is set out in MSDC22 and EP23a. This paper sets out the 'Mechanisms Considered' and confirms that the options presented are to strengthen the five year supply and is therefore focused on the short-term (next 2 years).. 'Officers have assessed the policies with the District Plan to see whether alternative wording or policy criteria could strengthen the five year supply position, or whether another approach is required. Two approaches have been considered:

1. Amend Policy DP6: Settlement Hierarchy, to increase threshold for 'windfall' development from 10 to 25 - or
2. Allocate another Strategic Site over 500 units that could deliver in the short-term and contribute directly to the five year supply.

2.2 Para 182 of the NPPF considers the examination of Local Plan. It stipulates clearly 'Justified - the plan should be the most appropriate strategy, when considered against all other reasonable alternatives, based on proportionate evidence'.

2.3 In reaching its conclusion to allocate the 500 units at Hassocks, the Council rejects increasing the threshold for windfall sites, for the following reasons:

1. Limited number of sites of this size in the SHLAA therefore delivery unknown.
2. Could be seen as a considerable size of site for some of the settlements.
3. Encourage sites to bypass the Site Allocations DPD or Neighbourhood Plan process and would lead to unplanned development.
4. Would not meet the test of the NPPF with respect to the five year supply no compelling evidence
5. Will not constitute a plan lead approach.

2.7 Rydon has calculated that a site of 25 units would add between 3 and 9 % to category 3 settlements and between 19-22% on category 4 settlements, certainly not a significant increase particularly to category 3 settlements and given that a proposed site of 500 at Hassock will increase the settlement by 15% this should not be a reason for discounting this option.

2.8 Rydon consider that an increase in threshold to allow sites up to 25 units to come forward through the District Plan Policy will provide flexibility to assist delivery of smaller sites on the edge of settlements that could increase delivery in the first five years of the plan, as indicated by the Inspector during the EiP. This strikes an appropriate balance while not inadvertently undermining the integrity of the settlements within the District. It is therefore considered that the Council has disregarded this option without any proportionate evidence, which is contrary to the NPPF.

2.9 In its assessment of the site at Clayton Mills, the Council concludes the following:

1. Enables a comprehensive scheme to be developed rather than in a piecemeal manner.
2. Can provide a much needed site for a new primary school.
3. Provides a good relationship with the existing Clayton Mills development.
4. Can be designed to manage the relationship of the site and the listed building.
5. A better access onto Ockley Lane.
6. Is being promoted and can contribute to the five year supply.

2.10 The Inspector specially indicated in his letter ID11 that the Council was leaving itself exposed by relying on strategic site over 500 units. It is therefore challenging to comprehend why, in an endeavour to bolster the five year supply that the Council has allocated another strategic site. It may offer some of the above benefits, although Rydon challenge some of these points below, but in reaching its conclusion to allocate an additional strategic site of 500 units, Mid Sussex has not identified the most appropriate strategy using robust evidence base to discount options and identify its preferred option for a new allocation and therefore the allocation of this site in the Proposed Modification cannot be considered sound.

2.11 Lastly, in the Inspectors letter 1D11, he specifically gave very clear suggestions to how the Council could improve its five year housing land supply, 'The self-imposed threshold for strategic sites should be lowered significantly from the current 500 dwellings. This will not only help with the identification of sites, it will enable a range of sites of different sizes to come forward at different times. The Council has yet again failed to consider this option to assist the delivery of housing and as such has not considered all reasonable alternatives in accordance with the NPPF Policy. As such this option cannot be considered justified (para 182 of the NPPF).

3.0 Is the Option Constant with National Policy?

3.1 The proposed allocation at Clayton Mills is immediately adjacent to Grade II* Ockley Manor, and Grade II Ockley Manor Barn and Ockley Manor Dovecote and at its closest point only 200 metres from the Southdown National Park as such it conflicts with Chapters 11 and 12 of the NPPF.

Para 132 of the NPPF is clear in its objective to protect heritage asset's 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation....Significance can be harmed or lost through alternation or destruction of the heritage asset or development within its setting (Rydon's emphasis).

3.2 It is considered that development of 500 units at Clayton Mills will have a detrimental impact on the setting of the listed buildings, and in the absence of demonstrating that the substantial harm is necessary to achieve substantial public benefits its policy and allocation should be deleted.

4.0 Five Year Supply Contribution – Is this the most sustainable option to assist the Council in identifying a rolling five year housing land supply?

4.1 Rydon further expresses a concern with regard to the sites actually ability to positively contribute to the five year supply, consequently the Council are allocating a site, at the 11th hour without proper assessment and due consideration, that will ultimately not achieve what it is set out to do. The Council can currently demonstrate a 5.2 year supply, which the Inspector considers 'fragile'. In allocating this site the Council considers that the five year supply position will increase to 5.47, not particularly 'strong' in Rydon's view.

4.2 The Inspector in his letter ID11 clearly expressed his concerns to the Council's 'exposure to delivery issues that can arise from the identification of only two or three very large sites, a subject which is particularly relevant to 5 year housing land supply'. This raises questions to why the Council has therefore allocated another strategic allocation that in their view will ultimately only add an additional 150 units (although Rydon question whether this is realistic) towards its five year supply.

4.3 Mid Sussex is assuming delivery of 150 units during the first five year period from April 2017, 50 per annum in 19/20, 20/21 & 21/22. Rydon considers the following timescales are more realistic.

- Screening Opinion registered Oct 2017
- Assume PA after District Plan Adopted Feb/March 2018 (based on no reopening of the Inquiry).

- Decision Oct/Nov 2018
- Average time from Planning Consent to Site Start - 21 months to allow for reserved matters application and the clearing of conditions.
- Site Start July/August 2020
- First Completions April 2021
- 50 dwellings per annum thereafter
- Conclude only 50 dwellings will contribute to five year period

4.4 Rydon feel it prevalent to further highlight that in allocating the 500 units, it has in affect deleted the 140 units that is currently in the submitted Neighbourhood Plan. This site, is currently not within the five year supply calculation as the NP is not made, but due to its size and the fact that it has been chosen by the local community through the NP process, which is awaiting examination, Rydon consider that the site is much more likely to deliver the 140 early within the five year period as currently allocated in the Neighbourhood Plan.

5.0 Does it reflect the vision for Mid Sussex?

5.1 The District Plan's vision is underpinned by four priority themes that promote the development of sustainable communities one of these being:

- Protecting and enhancing the environment

In order to meet this strategic objective, the Council sets out that it will achieve the following:

- To promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character and prevents coalescence

5.2 Para 1.18 of the SSSP (EP23a) bullet point 2 states 'In the context with Category 2 settlements, a site for 500 units could represent a large increase (20-30%) in terms of overall growth of the settlement and would affect the character of the settlement'.

5.3 Mid Sussex seem to wash over this point in Para 20. of the SSSP (EP23a) which states 'therefore, a site of 500 units would be significantly large to impact on the character of the majority of settlements within Mid Sussex and should be for the District Plan to allocate. Rydon questions how, through allocating the site in the District Plan it overcomes the conflict with the strategic policies and considers that the potential provision within the first five years should be a factor of very little weight given that it would be tainted by an excess, beyond the immediate five-year period, of 350 units that is in conflict with the settlement hierarchy and the policies with the District Plan.

6.0 Community Engagement

6.1 Section 19 of the Planning and Compulsory Purchase Act 2004 requires Local Plans to be produced in accordance with a Council's adopted Statement of Community Involvement (SCI). Mid Sussex's SCI, was adopted by the Council in October 2011, Principe 1 for community engagement states 'The community should be involved as early as possible in the decision-making process when there is more potential to make a difference. Often, it is best to 'front load' consultation activity and use it to identify potential issues and options'.

6.2 Rydon did not previously raise significant concerns about the SCI process being followed up to the point of submission in 2016 nor through the EiP stage. However the

scale and fundamental changes to the overall strategy of the Council's Main Modifications, through the allocation of a new strategic site, has resulted in a very different plan to that which was originally consulted on prior to submission and throughout the EiP. In order to be consistent with the SCI, Rydon would expect that for such fundamental major changes to be made to the plan at this late stage, the Council should have stalled the EiP to carry out the necessary work, including a further call for sites as per the recommendations made by Mr Bore in his letter ID1, and carried out a site selection process, before issuing the Main Modification Paper. Rydon therefore concludes that consultation on the plan has not been adequate and has not been in accordance with the SCI.

7.0 Inconsistent Evidence Base

7.1 With reference to the SLHAA and site 742 Russell Nursery Hassocks, this site was considered unsuitable stating the following:

- The South Downs National Park boundary runs along the southern boundary of the site and development at this location may have a detrimental impact on the setting of the National Park. Careful consideration will need to be given to the impact of the development on the wider landscape
- This site is in open countryside. No evidence that the development will not have a detrimental impact of the setting of the South Downs National Park. A full landscape and Visual Impact Assessment would be required to determine such impact.

7.2 In contrast however the SHLAA assessment for this site concludes:

- There are 3 listed buildings to the east of Ockley Lane. The South Downs National Park boundary lies to the east and south of the site, but not immediately adjacent to it.

7.3 The Landscape capacity study assesses the site as having low capacity for development. With reference to MSDC6 other strategic sites considered in the SHLAA as having low landscape capacity were discounted quoting

- 'Low landscape capacity indicates that development is likely to have a significant and adverse effect on the character of the landscape area as a whole and is thus unsuitable for strategic scale development'.

7.4 It is evident that the Council has not taken a consistent approach when considering the suitability of the Strategic Site at Hassocks through its own evidence base and consequently the process has not been robust, justified or transparent.