

Revised response to Mid Sussex District Council's consultation on modifications to its Site Allocations Development Plan Document

Planning Policy Committee – Thursday, 20th January 2022

Report of: Chief Planning Officer

Purpose: For Decision

Publication status: Open

Wards affected: All

Executive summary:

Mid Sussex District Council (MSDC) is preparing a Site Allocations Development Plan Document (Sites DPD) which, among other objectives, will seek to identify sufficient housing sites to provide a five-year housing land supply to 2031. MSDC is now consulting on proposed main modifications to its Sites DPD following consideration by the Planning Inspector. The closing date for comments is 23:59 on the 24th January 2022.

A suggested response was proposed to the Committee on the 5th January 2022. At that meeting, it was agreed that an alternative response be prepared by local Members and Officers for consideration on the 20th January 2022. A revised response has been drafted accordingly and is attached at Appendix A.

This report supports the Council's priority of: Creating the homes, infrastructure and environment we need.

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Recommendation to Committee:

That the Council's revised response, attached at Appendix A, be agreed.

Reason for recommendation:

The attached revised response attempts to reflect the concerns raised at the 5th January 2022 Planning Policy Committee meeting and is supported by Councillors Moore (Ward Member for Felbridge) and Steeds (County Councillor for the Lingfield Division, which covers Felbridge).

Introduction and background

1. As reported to the Committee on 5th January, Mid Sussex District Council (MSDC) is committed to preparing a Site Allocations Development Plan Document (Sites DPD) the stated aims of which are to:
 - (i) allocate sufficient housing sites to address the residual necessary to meet the identified housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan;
 - (ii) allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development;
 - (iii) allocate a site for a Science and Technology Park west of Burgess Hill in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development, and
 - (iv) set out additional strategic policies necessary to deliver sustainable development.
2. Following hearing sessions in June 2021 regarding MSDC's emerging Local Plan, the Inspector provided suggested modifications to the Sites DPD. MSDC is now consulting on those modifications, the deadline for responses to which is 23:59 on 24th January 2022. All representations made will be taken into account by the Inspector.
3. The consultation documents can be accessed via the following link to MSDC's website:

[Development Plan Documents - Mid Sussex District Council](#)
4. Once the consultation has closed, MSDC will collate and send responses to the Inspector to inform his final report. Should the Inspector conclude that the Sites DPD meets legal and soundness requirements, it will be considered by the MSDC for adoption in the Spring.

5. A suggested response was presented to the Committee on 5th January 2022. The view was expressed that a more robust response should be submitted, given the potentially adverse impact of the Mid Sussex Local Plan policies SA19 and 20 upon Felbridge and local roads. It was therefore agreed that an alternative response be prepared by local Members and Officers for consideration on the 20th January.
6. The attached revised response (at Appendix A) has since been prepared by Officers in consultation with Councillors Moore and Steeds.

Equality

There are no significant equality implications associated with this report.

Climate change

Measures to address the implications of climate change have been factored into the Sites DPD, e.g. within various flood risk and sustainability assessments.

Appendices

Appendix A – revised response to Mid Sussex District Council’s consultation regarding proposed modifications to its Site Allocations Development Plan Document

Background papers

None

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Revised draft Tandridge District Council response to proposed modifications to Mid Sussex District Council's Site Allocation Development Plan Document

We continue to have significant concerns about the traffic impacts that the proposed site allocations in East Grinstead, specifically SA19 and SA20, will have on the A22 Star Junction, and Felbridge roads more generally and do not feel that the main modifications process has responded to these known issues, sufficiently. The Star Junction has existing issues which are known to be severe and bringing sites forward in that immediate area can only add to the severity of the transport issues. Accordingly, significant improvements to the Star Junction are needed. This must also be considered in the context of the Garden Community proposed through our emerging Local Plan, which would be located at South Godstone and the general growth set out in our Plan which will increase traffic levels at the junctions referenced throughout this response.

We would like to remind MSDC of the work TDC/MSDC/WSCC and SCC jointly undertook regarding our unsuccessful HIF bid. This included a bid for monies to upgrade the Felbridge junction and MSDC are very aware of the significant obstacle this junction presents for both districts. As such, we are unsure why the profile and significance of the matter does not appear to have been suitably acknowledged.

Policy SA35 relates to the Safeguarding of Land for Strategic Housing Requirements. We refer to our comments made at Reg 19 in relation to policy SA35 and continue to support the thrust of the policy on joint working over the future identification of safeguarded land for improvements at junctions in the A22 and A264 corridors, and that development should not prejudice the delivery of these proposals. The TDC position is that the significance of issues at the junctions mentioned, must be more clearly borne out in the policies of the MSDC Site Allocations Plan. Policies should provide necessary assurances to both residents of Tandridge, and the local areas affected in Mid Sussex, that these junctions will either be mitigated, or sites considered to be undeliverable in the absence of necessary mitigation. We note that in the proposed Modifications no mention is made of our request in our Reg 19 response that:

'We would expect a mitigation option to have been agreed by all parties before the commencement of any development in the vicinity, so that we can be ensured that the impact will be mitigated and contributions towards the highways improvements are sought. As such, that wording to this effect is included within the policies (SA19 and SA20) as a main modification.'

We regard this as extremely important and without it our concerns remain as these sites could come forward with no overall solution to the pre-existing severe Star Junction issues. We recognise that, as the Inspector dealing with the Hill Place Farm appeal made clear, developer funding can only be used to mitigate the impact of their development and not to remedy pre-existing issues with the junction. Thus, if the sites come forward, the developers have the legal high-ground in only implementing mitigation for the incremental vehicle movements. Due to the already overloaded Star Junction this is likely to lead to re-routing, thereby adding significant burden to unsuitable rural roads. Our district acutely understands the impacts of rerouting on the highway network and the A22 and other rural roads are frequently used as alternative routes for high levels of traffic in the event of issues on the M25 and M23. Yet, no regard appears to have been taken to the impacts of this on the struggling Star and Felbridge junctions.

West Sussex County Council, in their response to the DPD at the Regulation 18 stage (page 999 https://www.midsussex.gov.uk/media/4704/reg18_summaryreport.pdf) and as reiterated in their Regulation 19 response (page 215 https://www.midsussex.gov.uk/media/5860/evidence-base_redacted.pdf), noted that no scheme has been identified and also the possibility that the necessary significant junction improvements required at the Star Junction will not be delivered. Accordingly, they suggested an alteration but this has also not been incorporated.

We have included the relevant paragraph from their Regulation 18 response below.

“There is currently no scheme identified to improve the Felbridge junction that achieves all objectives and that all parties consider to be deliverable. Therefore, in the absence of evidence to the contrary, the County Council consider that the Site Allocations DPD should also acknowledge the possibility that improvements may not be deliverable at the Felbridge junction. If improvements are not deliverable, the Mid Sussex Transport Study indicates that the likely impacts of development are increasing delays and/or traffic re-routing via less suitable routes which may require mitigation measures such as traffic calming. Therefore, the County Council request that **para 3.16 is amended** to acknowledge that if highway improvements are not deliverable, then alternative transport strategy approaches, such as demand management or a major scheme, may need to be introduced to address pre-existing congestion and mitigate the cumulative impacts of development on the highway network.”

We also question whether the delivery of these sites is justified as the Plan seeks to over allocate against the established needs for the area. The DPD’s residual need has been updated (effective from 21 April 21) and has been reduced from 1280 to 797 homes. So the plan is required to provide 797 homes but is allocating 1704. Such constraints to the sites referenced provide sufficient justification for their removal. We consider that the removal of both SA19 and SA20 would also lessen the cumulative impact upon the already severe highways network and upon infrastructure within our district. While we accept that this is not a simple matter, if removal is not possible, then properly robust policies on the commitment to mitigation and improvements, should be implemented.

SA 19 Land South of Crawley Down Road, Felbridge

We reiterate our previous Reg 19 comments regarding the identification of this site as part of East Grinstead settlement but its description as an extension to Felbridge.

“Tandridge notes that site SA19 has been identified as being within the proposed built-up boundary of East Grinstead and as such has the same settlement category (Category 1). However, it is also being described as an extension to Felbridge, with its vehicular access off Crawley Down Road and policy requirements setting out that the any proposals maximise connectivity with Felbridge. It is also noted that, at present, the built-up boundary narrows to a thin line between the main built up area of East Grinstead and development to the south of Crawley Down Road but this boundary is being amended to include an area of land located between this site allocation and the main built-up area of East Grinstead. Notwithstanding this it is noted that policy DP13 of the Mid Sussex Development Plan 2014-2031 seeks to prevent the coalescence of settlements which harms the separate identity and amenity of settlements and the maintenance of this undeveloped gap reinforces the fact that they are separate settlements.

Our Settlement Hierarchy (2015 and 2018 Addendum) identifies Felbridge as a Tier 3 Rural Settlement which demonstrates a basic level of provision. However, it also recognises the relationship with out-of-district settlements, noting that residents rely on East Grinstead for services such as healthcare facilities, secondary schools and a train station. In arriving at our Preferred Strategy we considered a number of different approaches, including an approach with development focused on our Tier 3 settlements. Our Sustainability Appraisal concluded that such an approach would be unsustainable, with limited gains when compared to the impact on the environment and the settlements themselves. Tandridge's approach therefore does not include directing development towards this settlement."

Highways and Access – see comment above regarding the inclusion of wording that a mitigation scheme should be agreed before the commencement of any development on the site. We regard this as extremely important and its current omission as deeply regrettable in terms of impact on communities within Tandridge District.

We welcome the inclusion of the Minor Modification which makes it clear that development impacts should be mitigated "to the satisfaction of both" Surrey and West Sussex County Council Highway Authorities.

SA20 Land south and west of Imberhorne Upper School. Imberhorne Lane, East Grinstead

We continue to support proposals for health and education provision related to this site as set out in our Reg 19 representations.

We also support the proposed Minor Modification regarding monitoring of the use and management of the proposed SANG.

Highways and Access – see comment above regarding the inclusion of wording that a mitigation scheme should be agreed before the commencement of any development on the site. We regard this as extremely important and its current omission as deeply regrettable in terms of impact on communities within Tandridge District

We welcome the inclusion of the proposed Minor Modification which makes it clear that development impacts should be mitigated "to the satisfaction of both" Surrey and West Sussex County Council Highway Authorities.