
Mid Sussex District Plan

Examination Statement - Housing

Prepared for the Mid Sussex Developers Forum

7th July 2017

Contents

1.	Introduction	2
2.	Alterations to the Plan Since the Publication of the Inspector's Interim Findings	4
3.	Developers Forum Land Interests	13
4.	Unmet Need	14
5.	Five Year Housing Land Supply	17
6.	Conclusions and Next Steps	19

Appendices

Appendix 1.0 Correspondence between the Forum and Mid Sussex District Council
(June 2017)

Appendix 2.0 List of Developers Forum Members Land Interests
(July 2017)

Appendix 3.0 Briefing Note MSDC14, MSDC16, MSDC18 and Crawley's Unmet Needs
(Lichfields, June 2017)

Appendix 4.0 Briefing Note on Five Year Housing Land Supply
(Judith Ashton Associates, July 2017)

Introducing the Mid Sussex Developers Forum

The Developers Forum was set up on 15th September as a means of assisting the Inspector, the District Council and other key stakeholders through Mid-Sussex District Council's District Plan Examination. The Forum comprises key landowners, housebuilders and development promoters in the District. Savills has been appointed to represent the Forum on relevant planning matters. The purpose and intention is to positively engage with the District and ultimately improve communication between the industry and the Council to enable the delivery of development. To that end, the Forum has invited the District Council to its Meetings.

The Members of the Developers Forum who have instructed this Joint Written Statement are:

- Barratt Homes
- Catesby Property Group
- Countryside (#20318)
- Gleeson Developments (#15705, #20319)
- Linden Homes (#15616)
- Reside Developments (#20082)
- Redrow Homes
- Rydon Homes (#15095, #2335, #15705)
- Thakeham Homes (#16474, #15692, #20080, #20293)
- Wates Developments (#14681, #17488)
- Welbeck (#20534)

A full list of the relevant Developers Forum land interests is provided in Appendix 2.

It should be noted that on some specific matters, individual Members of the Forum will be making separate submissions.

1. Introduction & Executive Summary

- 1.1. The Forum recognises the requested format of additional representations to the examination made by the Inspector in the recently published draft agenda for the upcoming hearings (ID24). **Unfortunately, the Forum has been unable to agree common ground with Mid Sussex District Council (MSDC).** No draft has been progressed by either party given the lack of a clear position from the Council and our different views regarding the housing requirement that the Plan should provide. Recent correspondence between the Forum and MSDC regarding this has been provided in **Appendix 1**.
- 1.2. Furthermore given the extensive updates to the plan which have taken place since the last opportunity to provide comments at the Hearing in February, as set out in Table 2.1 (page 4) a comprehensive statement is required in order to fully relay the views of the Forum and the rationale behind them. The Forum has attempted to keep this to 3,000 words.
- 1.3. The Developers Forum has been engaged in the examination process since September 2016. Extensive representations have already been provided on the Mid Sussex District Plan by the Forum in November 2016 (1/DF), January 2017 (1/DF (i) (ii), 2/DF and 3/DF) and March 2017 (4/DF).
- 1.4. The Submission of the Plan on 17th August 2016 included a version incorporating the pre-submission plan with focused amendments and further modifications. The focused amendments and further modifications had not been consulted on as confirmed by the Inspector in ID1. Since the initial submission a number of further amendments to the plan have been made however these have not been published in the form of a new plan or a track-changed version clearly outlining the current position of the Plan and have not been consulted on either. **The Forum therefore requests that at outcome of the forthcoming Hearings is an updated Plan, including all the presently proposed Main Modifications.**

- 1.5. The result of robust and comprehensive scrutiny of the Mid Sussex District Plan 2015 submission and Focused Amendments 2016 were the Inspector's Interim Findings which were published in a letter to MSDC on the 20th February 2017. The Inspector's Interim Findings found the present approach of the plan to be unlikely to be sound and clearly outlined the Inspector's position regarding the housing requirement of MSDC, setting it at 1,026 dpa. This consists of the basic Objectively Assessed Need (OAN) of 730 dpa, including a 20% uplift of 146 dpa and accounting for a contribution of 150 dpa to meet the unmet housing need of Crawley.
- 1.6. **The Forum position is that MSDC should have undertaken further work to properly and robustly assess the implications of ID11 (1,026 dpa). Additional evidence is required to ensure that opportunities to meet the full OAN as well as the unmet needs arising from Crawley have been undertaken.** For example, the further work the Forum has undertaken on the unmet needs (in **Appendix 3**) has demonstrated that the correct level of provision in the emerging plan period is 119 dpa. Over 17 years this would represent a total housing provision of 16,915 dwellings. The Forum appreciates that this still needs to be tested and therefore throughout this Statement we still refer to '1,026dpa / 150 dpa'.
- 1.7. **The Forum is disappointed that the opportunity has not been taken to propose additional development allocations.** This is despite the number of sites promoted for development. The Forum's land interests now total over 6,000 dwellings not presently in the planning system (**Appendix 2**). **There is a pressing need to propose additional allocations in order to ensure the robust testing of sites in the evidence base, and also to respond to an extremely marginal five year housing land supply.** The Forum's analysis of the five year housing land supply demonstrates that the Plan is unlikely to be found sound as it offers no flexibility and an insufficient land supply (**Appendix 4**).
- 1.8. Given the dialogue between only the Inspector and the Council since the Interim Findings, on which no other parties have yet been given the opportunity to comment on or respond to, and the issues discussed in the Forum statement we welcome the opportunity to provide evidence for the Hearing.
- 1.9. **The Forum therefore requests that the Inspector directs the District Council to undertake the required additional work, notably an updated Habitats Regulations Assessment (HRA) in order that our shared objective to achieve a sound plan be realised. This may lead to an extension of the Examination to February 2018.**

2. Alterations to the Plan Since the Publication of the Inspector's Interim Findings

- 2.1. Since the Inspector's Interim Findings were published substantial additional correspondence between the Inspector and MSDC has taken place which has informed what the Forum believes to be the updated position of the Council. The position of the Council however remains unclear due to the lack of a published revised Plan or any published up to date Main Modifications. The document references of the correspondence and a brief summary by the Forum has been provided in the following table.

Table 2.1

Document Reference	Date	Forum's Summary
ID11	20.02.2017	<p>Inspector's Letter containing his interim conclusions on the housing requirement</p> <p>Confirms that a 20% uplift over the basic OAN is required to account for market signals giving a full OAN of 876 dpa.</p> <p>Advises that the Mid Sussex District Plan can and should plan for 150 dpa of the unmet need of Crawley but that no immediate requirement to meet the unmet need of the Coastal authorities is required.</p> <p>Advises a minimum housing requirement of 1,026 dpa or 17,442 over the 17 year Plan period.</p> <p>Suggests that Mid Sussex District Council should undertake further work to identify sites or broad areas of land for potential development.</p>
ID12	21.02.2017	<p>Agenda for the hearing on the 28th February.</p> <p>Confirms the policies which do not require alterations, those for which the alterations proposed are acceptable and those for which the proposed changes in MSDC8 require minor adjustments.</p> <p>Confirms that the Council's proposed changes to Chapter 5 monitoring need to be altered to take account of the Inspector's letter regarding housing requirement.</p> <p>Advises that Policy DP15: Ashdown Forest will not be discussed at the hearing.</p>
MSDC9	22.02.2017	<p>Letter to the Inspector regarding ID11 (Inspector's interim findings).</p> <p>Advises that the Council will not make further submissions about the content of the letter at the hearing but does register the Council's disquiet regarding its contents.</p>

		Seeks clarification regarding the housing requirement put forward by the Inspector.
ID13	21.02.2017	Inspector's letter regarding minor changes. Confirms that a number of changes proposed are appropriate and suggests rewording to a number of paragraphs including: 2.13, policy DP18, policy DP19, policy DP20 and policy DP40.
ID14	24.02.2017	Inspector's response to MSDC 9. Confirms that the Inspector's interim findings are firm conclusions on the OAN and housing requirement that should provide the basis for any necessary further work by the Council on these subjects. Advises that any further work on site identification, delivery rates, the 5 year housing land supply and housing trajectory will be considered in final conclusions but maintains that the overall conclusion on housing requirement will not change to 'any notable degree'. Points out that further work should be to attain the housing requirement needed and not to advance more reasons why it cannot be met. Confirms that the OAN will not be further discussed unless relevant new material likely to affect the outcome arises.
MSDC10	24.02.2017	Letter to the Inspector regarding ID14. Advises that the Council is still considering conclusions on housing requirements and that if the Council accepts the Inspector's interim view then site issues will be reviewed in a genuine attempt to identify deliverable sites to meet the figure of 1026 dpa on the basis that if the work showed the figure was not deliverable then the housing requirement will be reviewed by the Inspector. Suggests that no evidence to show that deliverable sites with capacity to yield over 1,000 dpa has been produced by the developers. States that the further work may show that 1,026 dpa can be delivered but maintains that as it stands it cannot be concluded that 1,026 dpa is deliverable.
ID15	27.02.2017	Inspector's response to MSDC 10. Advises that the Plan does not need to identify every deliverable site or even land for the whole plan period but simply that the policies and framework to allow the requirement to be achieved should be established. Confirms that the Inspector is giving the Council the opportunity to undertake the further work necessary.
ID16	27.02.2017	Draft Hearing Agenda for 3rd March 2017.

MSDC11	02.03.2017	<p>Letter to the Inspector regarding the hearing of the 3rd March 2017.</p> <p>Advises that the Council has considered the Inspector's interim findings and has not yet reached a view on the way forward that it wishes to take.</p> <p>Concludes that the Council does not feel that the examination hearings fixed for the 3rd March 2017 would serve a useful purpose and suggests re-fixing the sessions on housing requirement.</p>
ID17	02.03.2017	<p>Inspector's response to MSDC11.</p> <p>Confirms that the hearing scheduled for 3rd March 2017 has been cancelled and that a revised date will be discussed in future.</p>
MSDC12	17.03.2017	<p>Letter to the Inspector regarding ID11 (Inspector's interim findings).</p> <p>States that the Council considers there to be material developments in the form of a Ministerial statement by the then Secretary of State, RT. Hon Greg Clark MP in July 2015 and the Government White Paper 'Fixing the broken Housing Market' which in the Council's view makes it premature to agree a housing requirement at this stage.</p> <p>Confirms that the Council is willing to accept a 20% uplift to an OAN of 876 dpa but remains uncertain regarding meeting the unmet need of neighbouring authorities.</p> <p>The Council suggests that the issue of unmet need should be addressed through the existing LSS3 work as the Inspector indicated it should be for the unmet need of Brighton. Continues that a figure of 876 dpa should be taken forward with a view to potentially meet the unmet need of Crawley at a later date through the LSS3 work for the sub-region.</p> <p>Expresses a desire to work towards a sound plan as soon as possible.</p>
ID18	17.03.2017	<p>Inspector's response to MSDC12.</p> <p>Agrees that the adoption of a sound plan as soon as possible is in everyone's interest.</p> <p>Expresses a concern regarding the very early stages of the LSS3 work which is currently identifying the study boundaries.</p> <p>States that the Inspector is only willing to accept the unmet need of coastal authorities to be covered by LSS3 work due to the complexity and scale of the issue involved.</p> <p>Confirms that the unmet need of Crawley is a different matter for a number of reasons including that Crawley is in the same HMA and shares very close links to Mid Sussex. Continues that only Horsham and Mid Sussex are in a position to meet the unmet need of Crawley and that Horsham has agreed to meet 150 dpa of the need but that Mid Sussex District Council have consciously reduced their</p>

		<p>allowance for meeting the unmet need from 105 dpa in the focused amendments to 46 dpa.</p> <p>States that it would not be sound planning to rely upon the LSS3 work to ascertain at an unspecified date the level of Crawley's unmet need to be accommodated in a future version of the District Plan.</p> <p>Suggests that a stepped housing requirement timed to coincide with the adoption of the Site Allocations DPD may be possible. States that the District Plan would set the overall housing requirement at a minimum of 17,442 dwellings over the plan period (876 dpa plus 150 dpa for Crawley's unmet need) with the annualised housing requirement beginning at 876 dpa stepping up when the DPD is adopted and before the identified need in Crawley arises in 7 years time.</p>
MSDC13	17.03.2017	<p>Letter to Inspector regarding ID18(i).</p> <p>Confirms that the Council will consider and respond accordingly.</p>
ID19	21.03.2017	<p>Inspector's letter regarding Ashdown Forest High Court Judgment.</p> <p>Provides the High Court judgment for reference.</p>
ID20	24.03.2017	<p>Inspector's letter responding to MSDC8a (which the Forum considers is not relevant to Housing Requirements)</p> <p>Advises on potential alterations to policy DP26, Accessibility</p> <p>Confirms that the schedule of changes (v2.1) set out in MSDC8a is correct and that proposed modifications to policies DP2 and DP9 are sound.</p>
MSDC14	27.03.2017	<p>Letter to the Inspector regarding ID18(ii).</p> <p>Confirms that the Council is willing to incorporate an OAN of 876 dpa into the Plan and suggests that this figure is justified in relation to the years up to 2025 until when Crawley is able to meet its housing requirements. Argues that in light of this a housing requirement of 17,442 dwellings would not be sound as Crawley are able to meet their need for the first 7 years of the Plan period which should be taken into account when considering unmet need.</p> <p>States that following confirmation of this the Council will submit details of its 5 year land supply position based on 876 dpa and confirm its position on affordable housing policy.</p> <p>Advises that the Council will need to assess any modifications required in light of the High Court judgment in the Wealden DC case. The Council wishes to proceed with conclusions subject to Habitat issues.</p>
ID21	27.03.2017	<p>Inspector's letter responding to MSDC14.</p> <p>The Inspector seeks confirmation that the Council are proposing that the annual requirement should be set at the OAN figure of 876 dpa until 2024/25 and then</p>

		<p>should step up by 150 dpa to 1,026 dpa until the end of the plan period to coincide with the emergence of unmet need from Crawley. This gives a total requirement of 15,792 dwellings over the plan period.</p> <p>The Inspector confirms that he will need to understand the implications for Crawley's unmet housing need before further comment and requested a joint statement from Crawley Borough Council and Mid Sussex District Council containing a clear objective assessment of the effects of this approach.</p> <p>Requested comments on a note from Mayfield Market Towns dated 23rd March 2017 in relation to unmet needs in the coastal areas.</p> <p>Concluded that the 5 year housing land supply will need to be considered based on the final housing requirement.</p>
ID22	30.03.2017	<p>Inspector's letter to the Home Builders Federation.</p> <p>Advises the HBF of the contents of MSDC14 and suggests that it is not necessary to seek a further hearing date. Advises that if sound modifications are forthcoming then it may be possible to deal with all outstanding matters in writing.</p>
ID23	30.03.2017	<p>Inspector's notes to the Examination</p> <p>Outlines existing status of the examination</p>
MSDC15	12.04.2017	<p>Letter to the Inspector regarding the Council's 5 Year housing land supply position</p> <p>Advises that additional work has been commissioned and advice sought from Natural England and transport consultants regarding the Ashdown Forest and the recent High Court decision.</p> <p>Provides the Council's updated 5 year land supply position which shows a supply based on and OAN of 876 dpa, subject to further work relating to the Ashdown Forest.</p> <p>Advises that the Council does not believe any modifications are required following the note from Mayfield Market Towns.</p>
MSDC16	15.05.2017	<p>Note regarding the implications of the housing requirement proposed by Mid Sussex District Council on the Northern West Sussex Housing Market Area.</p> <p>Confirms the overall housing trajectory and shows that the HMA can meet its need to 2028/29 based on the adoption of a stepped trajectory for Mid Sussex of 876 dpa until 2023/24 and 1,026 from 2024/25.</p> <p>Advises that a shortfall of 917 dwellings emerges in 2029/30 as a result of the drop off in supply from all three authorities.</p> <p>Highlights the concerns of Horsham and Crawley of the unmet need in 2029/2030 and advises that each authority believes the need should be met by Mid Sussex</p>

		<p>District Council.</p> <p>Mid Sussex District Council disagree with this as the supply for the latter end of the plan period is uncertain and all plans will need to be reviewed, including the issue of supply. Mid Sussex District Council also does not believe it can demonstrate a sound plan to meet Crawley's needs in totality based on transport and habitat considerations.</p>
MSDC17	15.05.2017	<p>Letter to the Inspector regarding ID11 and ID21. Policy Changes Log (This log appears to be the most up to date position of Mid Sussex District Council)</p> <p>Refers to MSDC16 and MSDC8c in response to ID11 and ID21.</p> <p>The log provides an update on the Council understands of the current position regarding the District Plan Policies.</p>
ID24	25.05.2017	<p>Agenda for July Hearing.</p>
MSDC18 (i)	05.06.2017	<p>Letter to the Inspector regarding the implications of the Wealden Case related to the Ashdown Forest</p> <p>Confirms that the Council proposes a <u>maximum</u> housing provision of 876 dpa (<i>page two final paragraph</i>).</p>
MSDC18 (ii)	05.06.2017	<p>A note to the examination</p> <p>Advises that in order to maintain a rolling 5 year land supply the Council anticipates undertaking a full or partial review of the plan.</p> <p>States that the Council is not in a position to assess the Habitat implications of a provision above 876 dpa due to uncertainty in relation to the additional sites that would be allocated.</p> <p>In order to meet 1,026 dpa a significant amount of additional development sites are required. Due to the limited supply of known sites, uncertainties about their deliverability and the sensitivities of traffic effects to location it is not possible to provide a reliable transport assessment or HRA at this stage.</p> <p>The Council propose to undertaken an early review of the Plan when such assessments can be made but requests that the plan is found sound at 876 dpa</p> <p>Provides limited transport analysis on the implications of the <i>Wealden</i> decision</p>

- 2.2. Table 2.1 outlines that the position of MSDC has altered several times since the publication of the Inspector's Interim Findings in which it was advised that a housing requirement of 1,026 dpa is required. Initially MSDC sought clarification of this figure and whether it would be subject to further review following the gathering of additional evidence. In ID14 the Inspector advised that while the figure could be reviewed following the submission of more evidence the figure of 1,026 dpa would not change **to any notable degree**. The Inspector continued that any further work should be to attain the housing requirement and not advance more reasons why it cannot be met.
- 2.3. Since this letter MSDC has advanced several options for the housing requirement to be taken forward as outlined in table 2.1 including a requirement of 876 dpa, then a stepped housing trajectory and finally a **maximum** figure of 876 dpa in MSDC18. This clearly demonstrates a lack of flexibility in the plan and is not sound planning.
- 2.4. The Council has sought to justify its position that a figure of 876 dpa be adopted on the basis that is not in a position to assess the Habitats implications of provision above 876 dpa because of uncertainty as to the sites that would be allocated to meet this higher number of dwellings at the current time. The Council have sought to justify its failure to make provision in accordance with the Inspector's interim findings (as set out in ID11) by declining to carry out an assessment. The Council's failure to make adequate provision to meet housing needs in the Housing Market Area cannot be justified by its own decision not to carry out an HRA. The reasons given by the Council for refusing to carry out an HRA are not robust. If the Council had followed the advice set out at page 10 of ID11 it would have identified sites or broad areas of land for potential development, and would have lowered its self-imposed threshold for strategic sites. If the Council had followed that advice it would have been able to conduct a HRA. In any event it should have given consideration to whether a HRA could be conducted based upon assumptions as to where housing is likely to be located, and assessed a number of different scenarios. The Council cannot be allowed, based on its own decision not to undertake a HRA, to decide not to make provision for housing need in the HMA.

- 2.5. The Inspector has already agreed that an early review of the Plan will be necessary in order to Plan for the unmet need of other neighbouring authorities (ID11). The Forum is concerned that if the matter of the unmet need of Crawley is also left to be dealt with at an early review then the issue may become caught up with a wider more complex review therefore delaying the adoption process and the time in which the needs of Crawley which is in the same HMA as Mid Sussex can be met.
- 2.6. As can be seen from the various pieces of correspondence summarised in table 2.1 the position of MSDC has fluctuated significantly in the past 3 months despite no evidence of further work in the form of a Call for Sites or a review of the Strategic Housing Land Availability Assessment (SHLAA) and minimal studies into the affect of the Wealden judgment on the Ashdown Forest on the housing supply of Mid Sussex being provided. As such it is not clear from the published information why MSDC are not proposing to meet the housing requirement of 1,026 dpa as clearly advised by the Inspector without having undertaken sufficient supporting work to justify the figure proposed of 876 dpa.
- 2.7. Despite the numerous letters between the Inspector and the Council summarised above, the position of the Forum remains that we are unconvinced that the Plan accords with paragraph 47 of the NPPF as the necessary work and studies have not been carried out by the Council in order to demonstrate conclusively that MSDC can or cannot meet the full needs of the HMA.
- 2.8. No Call for Sites exercise has yet been undertaken, the Strategic Housing Land Availability Assessment (SHLAA) has not been updated or reviewed as suggested by the Inspector and minimal evidence pertaining to the Ashdown Forest and how this will affect housing delivery has been provided, despite the members of the Forum actively engaging with the Council in relation to further sites.
- 2.9. In addition no attempt has been made to meet the unmet needs of the HMA and therefore the Plan is unlikely to be found to comply with the policy requirements of the Duty to Cooperate in accordance with paragraphs 181 and 182 of the NPPF.
- 2.10. Furthermore no updated Plan or Main Modifications have been published and the position of MSDC is at this stage far from clear.



- 2.11. The Forum requests that the Inspector considers the Council's most recent position as set out in MSDC18 and whether he believes that sufficient evidence has been provided to justify the Council's position in accordance with paragraph 47 of the NPPF.

3. Developers Forum Land Interests

- 3.1. This section relates to items 1 *Whether MSDC16 contains an appropriate approach to the subject of unmet need in the North Western Sussex HMA* and 2 *The 5 year housing land supply position based on the identified OAN* of the recently published draft agenda (ID24) for the upcoming Hearing.
- 3.2. The members of the Forum are promoting a number of sites across the District. A full list of these sites can be found in **Appendix 2**. The total number of new dwellings proposed on sites promoted by members of the Forum but not yet in the planning system is 6,082.
- 3.3. These are sites which do not benefit from a planning permission nor a development plan allocation. Thus these are sites being promoted through the Plan making process.
- 3.4. **The land interests of the Developers Forum clearly show that there are deliverable sites available in the District which could provide additional housing over the Plan period which have not been fully nor properly considered by MSDC when reaching their proposed housing requirement.**

4. Unmet Need

- 4.1. This section relates to item 1 *whether MSDC16 contains an appropriate approach to the subject of unmet need in the North Western Sussex HMA* of the recently published draft agenda (ID24) for the upcoming Hearing.
- 4.2. In his Interim Findings (ID11) the Inspector clearly expressed the need for the Mid Sussex District Plan to provided 150 dpa in order to go some way to meeting the outstanding 185 dpa of Crawley (150 dpa having been previously committed to by Horsham in the Horsham District Planning Framework). This was reiterated in a further letter to the Council in February 2017 (ID14) and again in a letter in March 2017 (ID18).
- 4.3. The Inspector stated that he would consider a stepped trajectory to coincide with the emergence of the needs of Crawley in ID21 but advised that the implications of this approach for Crawley's unmet need would need to be considered before he could comment further.
- 4.4. Since this letter MSDC published a joint statement with Crawley Borough Council and Horsham District Council but subsequently advised that they would be taking forward a housing requirement of 876 dpa and do not propose to meet any of the unmet need of Crawley.
- 4.5. The Forum understand through email confirmation dated the 7th July 2017 from both Ms Brigden of Crawley Borough Council and Ms Childs of Horsham District Council that the view of both Crawley Borough Council and Horsham District Council has not altered since the letters to MSDC dated 9th May and 26th April and contained within MSDC16. We understand that the position of each Council remains that the Mid Sussex District Plan should seek to plan for unmet needs of 150 dpa (or equivalent) as advised by the Inspector in his Interim Findings (ID11). The Forum is of the view that the failure of MSDC to robustly assess whether the full (or part) of the unmet needs of Crawley demonstrates a failure to comply with the policy requirements of the Duty to Cooperate. The Forum accepts that it is not a Duty to Agree, however, all parties must be informed of the evidence in order that proper planning decisions can be made.

- 4.6. The Forum agrees with both the Inspector and MSDC that the unmet need of Brighton is a matter which can be addressed through a Plan review. The Forum disagrees with the view of the Council that none of the unmet needs of Crawley can be accommodated in the Plan as there is no evidence to justify this claim. Given the lack of supporting evidence the Forum agrees with the Inspector that the plan should provide for an additional 150 dpa (or equivalent figure) over the 876 dpa proposed by the Council for the entire plan period. Based on 150 dpa this gives a total housing requirement of 17,442 dwellings over the Plan period.
- 4.7. A briefing note has been prepared by Lichfields which can be found in full in **Appendix 3** which comments on the previously proposed stepped trajectory (MSDC16) and the currently proposed housing requirement of 876 dpa (MSDC18).
- 4.8. Lichfields establish in paragraph 2.1 of the note that the obligation on local planning authorities in paragraph 47 of the NPPF is *'To ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area (HMA)'*.
- 4.9. In light of this it is clear that the current position of MSDC is inconsistent with the NPPF. The current assumed position of MSDC would result in a shortfall of 2,025 dwellings across the Plan period in the HMA (the unmet need of Crawley not being addressed elsewhere in the HMA). MSDC has produced minimal further evidence to that previously reviewed by the Forum and the Inspector to demonstrate why this figure cannot be met and therefore in the view of the Forum have not met the requirements of paragraph 14 of the NPPF.
- 4.10. The only published further work on the matter that has been produced by the Council is a limited transport assessment (MSDC18(ii)) and a joint statement prepared in conjunction with Horsham District Council and Crawley Borough Council which failed to demonstrate a consensus between the three authorities regarding the amount of unmet need to be provided by MSDC in their Plan. Rather it demonstrated that both Horsham and Crawley agreed with the view of the Forum and the Inspector that the Mid Sussex District Plan should seek to make provision for Crawley's unmet housing needs.



- 4.11. It is clear that in the absence of robust evidence to support the position of MSDC to accommodate none of the unmet need of Crawley Borough Council the plan cannot be found to be sound. A requirement of Plans in accordance with the NPPF is to meet the full, objectively assessed needs for market and affordable housing in the HMA, this fundamental requirement has not been achieved, no evidence has been provided to show that this has been justified in accordance with paragraphs 14 and 182 of the NPPF and therefore it is the view of the Forum that the Plan is not sound.

5. Five Year Housing Land Supply

- 5.1. This section relates to item 2 *The 5 year housing land supply position based on the identified OAN* of the recently published draft agenda (ID24) for the upcoming Hearing.
- 5.2. The Council has set out its five year Housing Land Supply position in MSDC15 published on the 12th April 2017. The position of MSDC is based upon an OAN of 876 dpa and is that MSDC have a supply of 5,624 dwellings in years 1 -5 which amounts to a supply for 5.09 years.
- 5.3. While ultimately the view of the Forum differs from that of the Council, the Forum does agree with the Council on the delivery trajectory for a number of sites.
- 5.4. Judith Ashton Associates have prepared a briefing note demonstrating the Forum's analysis of the five year Housing Land Supply of MSDC, the note is appended to this statement in **Appendix 4**. For the sites where the Forum does not agree with the delivery trajectory of the Council the reasoning behind the difference is explained within the note.
- 5.5. The difference in delivery across these sites contained in Appendix 4 amounts to a difference in five year housing supply of 5.09 and 4.33 years between the view of the Council and that of the Forum based on a housing requirement of 876 dpa and a difference between 4.04 and 3.43 years based on a housing requirement of 1,026 dpa.
- 5.6. As can be seen from Appendix 4, even with a delivery based on MSDC's own figures and with a housing requirement of just 876 dpa the Council are attempting to adopt a Plan with a housing supply of just 5.09 years. Paragraph 14 of the NPPF states that '*Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change*'; the adoption of a plan with just a 5.09 year housing land supply would not be suitably flexible enough to adapt to rapid change and therefore would not comply with the NPPF.
- 5.7. Furthermore when 5 year housing land supply against the minimum housing requirement of 1,026 dpa (as per ID11(p11)), using the figures put forward by the Forum this reduces to just **3.43 years**. This is clearly not flexible/ is unsound in the context of paragraphs 47 and 182 of the NPPF.

- 5.8. Given that the Forum and previously the Inspector are of the view that 876 dpa is too low a figure and that 1,026 dpa is more appropriate it is clear that the Local Plan does not proactively plan for a supply of deliverable sites for the next five years nor is it flexible enough to adapt to rapid change. This will have serious consequences moving through the Plan period where the supply is likely to fall.
- 5.9. **The five year housing land supply is too marginal and does not provide enough certainty moving forward that Mid Sussex District Council will be able to accommodate even the currently proposed lower housing requirement of 876 dpa. Evidently more work is required in order to identify sites for future development or in order to justify taking forward the lower housing requirement figure of 876 dpa in order for the plan to be found sound.**

6. Conclusions and Next Steps

6.1. The Forum believes that further evidence is required to robustly assess the District Plan based on 876 dpa - 1,026 dpa. The matters that need to be resolved include:

- The extent of the unmet need (the further work of the Forum suggests that this could be 119dpa in the Plan Period);
- Further evidence base (notably Call for Sites, SHLAA and SA/SEA);
- Updated highways modelling based on potential development allocations;
- Which informs updated Habitats Regulations Assessment;
- And therefore an assessment of whether all (or some) of the acknowledged unmet needs of Crawley can be accommodated.
- The scope and extent of additional allocations required now, to enable a clear five year housing land supply based on whatever the final housing requirement is determined to be.

Transport

6.2. The Forum believes that it is possible for MSDC to make an evidenced judgment on the potential impacts on the Ashdown Forest SPA and wider sustainability implications arising from traffic. This can be achieved using the West Sussex County Strategic Transport Model which was used to inform the conclusions contained within MSDC18 and is capable of assessing cumulative and in-combination impacts, and could be used to analyse and provide evidence of potential development scenarios.

6.3. Furthermore, the Mid Sussex District Council Transport Study contained within MSDC18 (Table 1) shows that with an annual housing requirement of 876 dpa there is a *reduction* in traffic movements on the key Forest Roads which falls well short of exceeding the 1,000 ADT threshold. As such the Forum considers that there is sufficient 'headroom' available below the 1,000 ADT threshold to consider a higher housing requirement and therefore there is no justification for not undertaking further studies to analyse the impacts on the Ashdown Forest SAC of a greater housing requirement. This could be done through a proper re-examination of potential development allocations.

- 6.4. The Forum concludes that MSDC is unjustified in their approach of not modelling scenarios in excess of 876dpa.

Next Steps including HRA

- 6.5. In the first instance the Forum request that the examination is extended until February 2018 in order to allow for the consideration of the publication of further evidence on the Ashdown Forest by Wealden District Council. This would also allow time for MSDC to undertake the necessary updates to the SHLAA, Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA) and to undertake a Call for Sites exercise. This is justified on the basis that a further Main Modifications consultation is inevitable due to the requirement for the SA and HRA and hence the Forum's position is that such should be undertaken in a comprehensive and robust manner.
- 6.6. A suggested timeframe has been provided in Table 6.2 which through the joint working of all stakeholders would potentially allow a plan to be adopted within 9 months. The recent example in Arun District Council demonstrates that amendments to the plan can be forthcoming at Examination in a reasonable timeframe. As additional work on the SA and HRA is already required which will extend the timeframe it is the view of the Forum that the actions outlined below can be undertaken in tandem with these requirements and therefore will have a minimal impact upon the progress of the Plan.

Table 6.2

Date	Action
August/September	Call for Sites, in order to invite submissions with an updated evidence base and updates to SA and HRA started.
September/October	Workshops/Meetings to discuss any additional sites or growth options and a brief consultation on any updates SHLAA methodology
October	Publication of SHLAA update
November	Publication of proposed Main Modifications
November/December	Further consideration of any required refinements to the Plan
January (subject to Inspector's timetable)	Further Hearing sessions on Main Modifications
February (subject to Inspector's timetable)	Potential earliest date for the Inspector's report

- 6.7. If the option of extending the examination is not agreeable, or in any event, then the Forum requests that the Inspector considers altering the draft agenda for the upcoming hearings to allow for questions surrounding the following issues to be added:
- Whether the Council's decision not to undertake a HRA based upon a housing requirement of 1,026 dpa or equivalent is justified (i.e. consideration of the unmet needs);
 - Whether the Council is justified in failing to make a contribution of 150 dpa, or any contribution, towards meeting the outstanding unmet need of Crawley.
- 6.8. MSDC cannot, by deciding not to carry out a HRA, justify a failure to make provision for the full objectively assessed needs in the housing market area.
- 6.9. Article 6(3) of the Habitats Directive requires an assessment to be carried out. The prohibition imposed, namely that a plan shall not be agreed to, only arises if it cannot be ascertained that the plan will not adversely affect the integrity of the site concerned. The Council have not undertaken such an assessment and have not put forward any robust reason for not doing so.
- 6.10. There can be no doubt based on the present evidence that a plan which makes provision for 876 dpa is unsound. MSDC has failed to plan for any of the unmet needs of surrounding authorities within their HMA. This is a breach of Paragraph 47 of the NPPF. By failing to work on areas of common interest MSDC have not followed the advice in Paragraph 178 of the NPPF. Finally no trigger for a plan review has been suggested by the Council or agreed. Consequently the Forum does not believe that the Plan can be found sound.
- 6.11. At this stage it is unclear what the proposed wording of policy DP5 is as the latest amendment to the policy referenced the stepped trajectory that MSDC had intended to take forward but this is no longer the case. As such a suggested wording for the policy has not been provided at this stage given the lack of an up-to-date or clear housing policy upon which to comment. The Forum respectfully requests that the Inspector seeks clarity on the proposed housing policy and what this means for the OAN, the five year housing land supply, required plan flexibility and unmet housing needs.



Appendices



Appendix 1.0

Correspondence between the Forum and Mid Sussex District Council

(June 2017)

Paul Dadswell

Subject: FW: Mid Sussex Developers Forum

From: Charles Collins
Sent: 29 June 2017 10:13
To: Judy Holmes; Chris Tunnell; Sally Blomfield
Cc: Ruth Bryan; 'judith@judithashton.co.uk'; 'Katie.Lamb@dmhstallard.com'; Paul Dadswell
Subject: RE: Mid Sussex Developers Forum

Judy

Thank you, helpful clarification.

From where I'm sat we have (I think) as District Plan which: -

- A) makes no additional development allocations (and there appears to have been limited progress on proposing any new development allocations, of any scale)
- B) seeks only the revised OAN, and no unmet needs from Crawley
- C) includes an absence of updated sites analysis and thus no definitive position on a SA /SEA update nor on Ashdown Forest
- D) is based on no substantive evidence base update

I have some sympathy with C) owing to the actions of Wealden DC, hence our full agreement that they should be called to the next Hearing session.

I'm sorry to be so black and white, but I'm struggling to find a way to recommend to our clients that the approach of the Council is sound. The position of our clients is that to divert from 1,026 dpa requires very robust justification. This recommendation followed eight days of Examination on OAN and an substantial amount of time and investment from all of us.

Having spoken with your fellow Housing Market Area LPAs we are increasingly of the view that you risk a failure of the policy requirements of the Duty to Cooperate. This is a great shame as an unsound plan verdict was not our intention.

In our view, the period since February has been a missed opportunity. There has been no call for sites, no SHLAA review, no SA/SEA revision. We have tried to be objective, but these were requested by the Inspector both verbally and in his Interim Findings. The Inspector needs these updates for his conclusions to be robust.

I'm sorry but we are not convinced that meeting ahead of the deadline for further evidence is worthwhile or good use of our respective time. Our positions are quite divorced. Hence we must move to our respective position statements, for which my earlier email sought clarity re: your position on the housing requirement and a mechanism for an early review and draft policies for both. If you supply an outline of your case then we will consider a meeting, to decide how we can assist, or reach common ground.

Regards,

Charlie

Charlie Collins
Director
Planning

244-246 High Street, Guildford GU1 3JF
: +44 (0) 1483 796 837
: +44 (0) 7870 999 596
: ccollins@savills.com
: www.savills.co.uk



From: Judy Holmes [<mailto:Judy.Holmes@midsussex.gov.uk>]
Sent: 28 June 2017 17:59

To: Charles Collins <CCollins@savills.com>; Chris Tunnell <Chris.Tunnell@midsussex.gov.uk>; Sally Blomfield <Sally.Blomfield@midsussex.gov.uk>
Cc: Ruth Bryan <RBryan@savills.com>; 'judith@judithashton.co.uk' <judith@judithashton.co.uk>; 'Katie.Lamb@dmhstallard.com' <Katie.Lamb@dmhstallard.com>; Paul Dadswell <paul.dadswell@savills.com>
Subject: RE: Mid Sussex Developers Forum

Charlie,

Many thanks for your email.

In your absence we had a very helpful meeting and we agreed to meet again.

At our meeting we also agreed to provide a position statement covering all the areas you have outlined below. We are currently drafting the statement. However, I think our recent submissions particularly the note on Ashdown Forest set out the Council's position.

We also agreed to take direction from our respective stakeholders and to meet again to discuss our respective positions on the impact of Ashdown Forest.

I can confirm that we also agreed to request that the Inspector considers the Ashdown point early in the Examination as it is clearly a potential game changer.

I therefore urge you to re-think your proposed approach and suggest that we meet again prior to the submission date to discuss our proposed statements.

Regards,
Judy

Judy Holmes
Assistant Chief Executive
01444 477015
judy.holmes@midsussex.gov.uk
www.midsussex.gov.uk

Working together for a better Mid Sussex

From: Charles Collins [<mailto:CCollins@savills.com>]
Sent: 28 June 2017 16:14
To: Chris Tunnell; Judy Holmes; Sally Blomfield
Cc: Ruth Bryan; 'judith@judithashton.co.uk'; 'Katie.Lamb@dmhstallard.com'; Paul Dadswell
Subject: FW: Mid Sussex Developers Forum

Dear Judy, Chris, Sally

I write with respect of the forthcoming Examination Hearings in my capacity as chairman of Mid Sussex Developers Forum.

The Forum will likely submit an Examination Statement on 7th July. It is clear that we differ on the evidence base underpinning 1,026dpa > 876 dpa, and on the 5 YHLS, and need for additional allocations now.

We do not feel able to progress or submit a Statement of Common Ground update yet, until we have formal notification from MSDC of your position.

The key information we request (perhaps as a 'position statement') is as follows:

- Clarification in writing of your position on housing. On reading MSDC 18 (ii) it seems that you propose to meet the revised OAN only (876 dpa). Hence no unmet needs to be accommodated from Crawley BC.
- We presume that you are committed to an early plan review, is there any indication of timeframes/ extent of this ?
- Clarification on whether you propose to include one or more triggers in the Plan in relation to housing numbers and Plan review? and if so any draft wording of such triggers.
- We also understand that no additional allocations are proposed now, no revised evidence is to be undertaken (we are working on an update to our client promotions to assist this process).

We have spoken with Pauline Butcher the Programme Officer, she is of the view that Wealden DC are attending one of the forthcoming Hearing sessions.

I know that we discussed a joint response to the Inspector on this matter, in the circumstances, I propose to write to Pauline simply asking for clarification as to which adjacent LPAs are attending the Hearings, noting a preference from the Forum (which we understand to be shared by MSDC) that Wealden DC do attend, and that the matter is dealt with early in the agenda. You may also be aware that we are in discussions with Horsham DC and Crawley BC.

In light of the need to consolidate our prospective positions I am not sure that a meeting next week would be worthwhile. Instead I consider that it would be more beneficial to receive an update on our respective positions, so that we may influence the Inspector's agenda (which we note to be in draft). I am sure that you are aware that he is presently engaged at Waverley BC Examination, and thus I am not sure how quickly he will respond in the next week.

Please do be assured that we continue to constructively influence the process. We would be happy to discuss a further meeting and a Statement of Common Ground following receipt of your position statement.

Regards,

Charlie

Charlie Collins
Director
Planning

244-246 High Street, Guildford GU1 3JF
 Tel : +44 (0) 1483 796 837
Mobile : +44 (0) 7870 999 596
Email : ccollins@savills.com
Website : www.savills.co.uk



Appendix 2.0

List of Developers Forum Members Land Interests (July 2017)

Table of sites promoted by Forum members, July 2017

**supersedes Appendix F of ED2 – Developers Forum Statement of Common Ground*

Company	Site Interest (name and Location)	Greenfield/Brownfield	Site Area	Estimated Dwellings (Forum Examination Statement Nov 8)	Estimated Dwellings Not in the Planning System (Revised)	Site at Appeal or Call-in	SHLAA ID	General Comments
Barratt Homes	Chalkers Lane, Hurstpierpoint (under construction)	Greenfield	3.77ha (9.3 acres)	62	0		284	Under Construction 24 remain
	Heathwood Park (Phase 2), Langmore Land, Lindfield (Under construction – JV with Wates)	Greenfield	13.9ha (34.3 acres)	230	0		494	Under Construction 147 remain
	Land at Mackie Avenue Hassocks (Freehold)	Greenfield	6.64ha (16.4 acres)	140	140		753	Allocated in Submitted NP (not yet adopted)
Catesby Property	Sagworth Farm, Haywards Heath	Greenfield	8.53ha (21 acres)		50			Balance of the Penlands Farm site, to be promoted in Local Plan Part 2
Countryside	Bolney Road, Ansty	Greenfield	2.2ha (5.4 acres)	50	50		629	Part allocated in NP for 18 units, Resolution to grant Planning Permission for 20 dwellings
Welbeck Land	Land West of of Imberhorne Lane, Imberhorne Lane, East Grinstead	Greenfield	51ha (126 acres)	550	550		770	Assessed in SHLAA
	Coombe Farm, Sayers Common	Greenfield	14ha (35 acres)		250			
Gleeson	London Road, Hassocks	Greenfield	5.3ha (13.1 acres)	97	0	97	286	At Appeal officer recommendation to grant (to be re-determined)
	Burgess Hill West Site (part of Northern Arc) (Jointly controlled with Rydon Homes)	Greenfield	98ha (242.2 acres)	242	242			DP allocation. Included Rydon Homes
	Land at Hazel Close, Crawley Down	Greenfield	2.71ha (6.7 acres)	60	0	60	281	Resolution to grant (call-in)
	Land north of Hassocks	Greenfield	20ha (49.4 acres)	140	500	140	221	Resolution to grant (call-in)
	Lindfield	Greenfield	5.7ha (14.1 acres)	100	100		498 (part)	Assessed in SHLAA
Linden Homes	Hill Place Farm, East Grinstead	Greenfield	~8.7ha (21.5 acres)	200	0	200	562	At Appeal, officer recommendation for refusal, pending decision
Redrow	Penlands Farm, Balcombe	Greenfield	21.7ha (53.6 acres)	210	0		247	Planning Permission

Company	Site Interest (name and Location)	Greenfield/Brownfield	Site Area	Estimated Dwellings (Forum Examination Statement Nov 8)	Estimated Dwellings Not in the Planning System (Revised)	Site at Appeal or Call-in	SHLAA ID	General Comments
	Road, Haywards Heath							
Reside Developments Ltd	Land east of High Beech Lane, Lindfield	Greenfield	3.03ha (7.5 acres)	50	50		151	Assessed in SHLAA Planning application currently being determined
	Land north of Kings Business Centre, Sayers Common	Greenfield/Brownfield	7.6ha (18.8 acres)	150	150		751	Assessed in SHLAA
Rydon Homes Limited	Freeks Farm, Northern Arc, Burgess Hill	Greenfield	19ha (47 acres)	450	460			DP allocation (Rydon updated site capacity)
	Bridge Farm, Northern Arc, Burgess Hill	Greenfield	3.2ha (7.9 acres)	1118	1118			DP allocation.
	Collins South, Northern Arc, Burgess Hill	Greenfield	14ha (34.6 acres)	See above	See above			DP allocation. Now factored in Gleeson figure
	Paynes Place Farm, Northern Arc, Burgess Hill	Greenfield	22.59ha (55.8 acres)	See above	See above			DP allocation. Now factored in Gleeson figure
	Lowlands Farm, Northern Arc, Burgess Hill	Greenfield	14.88ha (36.8 acres)	150	150			DP allocation
	Land r/o Friars Oak, Hassocks	Greenfield	10.51ha (26 acres)	130	0	130	221	Resolution to Grant (call-in)
	Land West of London Road, Bolney	Greenfield	2.02ha (5 acres)	N/A	30			Allocated site in made Neighbourhood Plan – Policy BOLH4a
Thakeham Homes	Pease Pottage (option)	Greenfield	59ha (145.8 acres)	600	0		666	Outline Planning Permission, Reserved Matters pending
	East Grinstead (option)	Greenfield	48.5ha (119.85 acres)	300	300		17	Assessed in SHLAA in AONB
	Burgess Hill, Western Arc (promotion agreement)	Greenfield	75ha (185.3 acres)	1500	1500		740	Assessed in SHLAA
	Land at Kemp's Farm, Hurstpierpoint	Greenfield	4ha (9.9 acres)	80	84		13	Assessed in SHLAA
	Land east of College Lane, Hurstpierpoint (b) (freehold)	Greenfield	8ha (19.8 acres)	90	90		19	Assessed in SHLAA
Wates Developments Ltd	Heaselands, Northern Arc, Burgess Hill – Land Promotion Agreement	Greenfield	57.38ha (141.79 acres)	1,110	1,110			DP allocation
	Lindfield, Land South of Scamps Hill Road – Land Promotion Agreement	Greenfield	24.66ha (60.93 acres)	200	0	200	483	Officer recommendation to approve. Appeal held in May 2017, awaiting decision
	Crawley Down, Turners Hill	Greenfield	1.09ha (2.7 acres)	10	0	44	271	Appeal held in February 2017 (co-joined)(30

Company	Site Interest (name and Location)	Greenfield/Brownfield	Site Area	Estimated Dwellings (Forum Examination Statement Nov 8)	Estimated Dwellings Not in the Planning System (Revised)	Site at Appeal or Call-in	SHLAA ID	General Comments
	Road – Freehold							units called in) Awaiting decision
	Crawley Down, Turners Hill Road – Option Agreement	Greenfield	3.28ha (8.10 acres)	34	0			
	Crawley Down, Turners Hill Road – Option Agreement	Greenfield	36.42ha (90 acres)	150	150		688	Assessed in the SHLAA
	Felbridge, Crawley Down Road – Option Agreement	Greenfield	2.59ha (6.4 acres)	63	63		197	Assessed in the SHLAA. Outline Planning Application submitted in June 2017
	Crabbet Park, old hollow, near Crawley – Land Promotion Agreement	Greenfield	143ha (355 acres)	2,000	2,000		18	Assessed in the SHLAA
	Handcross Park Farm c- Land Promotion Agreement	Greenfield	3.07ha (15 acres)	75	75			Not Assessed in the SHLAA
			Sub total units	10,341	9,162			
			Minus district plan allocations	3,680	3,080	Sites at Appeal of Call-in		3,080 is the Gleeson, Rydon, Wates position on the remaining District Plan allocation (Northern Arc). Pease Pottage now benefits from planning permission
			Total	6,661	6,082	871		



Appendix 3.0

Briefing Note MSDC14, MSDC16, MSDC18 and Crawley's Unmet Needs (Lichfields, June 2017)

Briefing Note

Our ref 15322/MS/MT
Date 07 July 2017
To Mid Sussex Local Plan Examination in Public
From Developers' Forum

Subject MSDC14, MSDC16, MSDC18 and Crawley's Unmet Needs

1.0 Introduction

- 1.1 In document MSDC14 Mid Sussex District Council ("the Council") introduced a proposal to plan just for Mid Sussex's OAN of 876dpa to 2025, with a figure thereafter of 1,026dpa to the end of the plan period (i.e. including a 150dpa contribution to Crawley's unmet needs). The Council's stated rationale for this is that Crawley has an *"an adequate supply of housing for the first few years of the Mid Sussex plan period, and there is a decline in Crawley's ability to meet the requirement for new housing beyond 2025"*.
- 1.2 This relied substantively on the evidence Crawley Borough Council has put to the examination, including the following reference in its housing matters statement (Doc Ref: 1/99) as follows:

"The housing trajectory recognises that there is a significant decline in sites with development potential to meet the requirement for new housing beyond year 10 of the Plan period (2024/2025)." (page 5 of Doc 1/99)
- 1.3 In MSDC16, the Council sought to further substantiate and clarify its position. It identified that the proposal is for a housing requirement of 876dpa to 2023/24 then stepping-up to 1,026dpa from 2024/25 to 2030/31. It also set out at Annex 1, a trajectory across the HMA, which compares housing needs (i.e. OAN), housing requirements (i.e. the housing targets) and the supply trajectory (i.e. how much housing each authority estimate might be delivered and when from different components of supply).
- 1.4 Subsequently, in MSDC18 the Council has put forward a proposed housing requirement of only 876dpa across the whole plan period (i.e. with no contribution to unmet needs in the HMA). This is on the basis that the Council believes it cannot meet the OAN identified for the HMA due to constraints associated with the Ashdown Forest. However, it has not tested a higher figure, so **the basis for this conclusion is not evidenced**.
- 1.5 A simple point of principle to make is that any housing requirement and trajectory for Mid Sussex – to include consideration of unmet needs from within the HMA – must be based on evidence that tests what can be achieved in the context of para 14 of the Framework. What has been proposed in MSDC14, MSDC16 and MSDC18 have all been policy propositions **unsupported by evidence** or consideration of alternatives. The Council's approach in these documents appears to be to seek the Inspector's view on these policy propositions, and then go and backfill with evidence to try and justify it. This – policy-based evidence rather than evidence-based policy – is not the correct approach to take.
- 1.6 In the context of the above, this note provides a review of the trajectories, using the evidence position to consider the implications and soundness of the Council's proposed approach.

2.0 HMA Housing Requirements

- 2.1 The obligation on local planning authorities in policy (NPPF para 47) is clear: “*to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area (HMA)*”. (our emphasis)
- 2.2 The adopted **Crawley** Local Plan has a plan period to 2030. Crawley has a housing need of 675dpa 2015-2030 (10,125 total) assumed to be evenly spread across the plan period. Crawley’s Local Plan makes provision for 340dpa (5,100 total) meaning an unmet need of 335dpa (5,025 total).
- 2.3 The District Planning Framework for **Horsham** makes provision for a further 150dpa of Crawley’s unmet need over the period 2011-2031 totalling 3,000 dwellings and leaving a residual **unmet need of 2,025 dwellings¹** over the 15 year Crawley Local Plan period as not currently being met.
- 2.4 Mid Sussex District Council’s proposed approach in MSDC14 would result in a housing requirement contribution of just 150dpa to Crawley’s unmet needs from 2024/25 onwards (i.e. a contribution totalling 1,050 dwellings over the MSDC plan period to 2031). This leaves a residual shortfall of 975 dwellings across the HMA that would not be met. This is set out in MSDC16 at paragraph 13 and is mathematically correct.
- 2.5 As Crawley’s Local Plan only runs to 2029/30, excluding Horsham District Council’s and MSDC’s 150dpa contribution each planned for 2030/31 (300dpa), would increase the shortfall commensurately in the HMA².
- 2.6 In total MSDC’s approach in MSDC14 would result in a ‘planned housing requirement’ **shortfall of 975 dwellings** over the combined varied Local Plan periods. If cutting this off to 2030, as per the Crawley Local Plan, this is a shortfall of **1,275 dwellings**. This means the approach set out would not comply with para 47 of the Framework in terms of ensuring that housing needs are met across the HMA – a core soundness issue.
- 2.7 Notwithstanding, if MSDC’s approach in MSDC18 is adopted, then none of the HMA shortfall (2,025 dwellings) would be addressed whatsoever. In those circumstances, the position in respect of the tilted balance in NPPF paragraph 14 would need to be properly evidenced; that specific policies in the NPPF constrain the meeting of those needs or that the adverse impacts would significantly and demonstrably outweigh the benefits. **No such evidence exists at present.**

¹ This is mathematically worked out by the following (which matches MSDC16 para 13):

- a) Crawley’s unmet need is 335dpa over their plan period 2015-2030 (335 x 15 years = **5,025**)
- b) Horsham is providing for 150dpa of that unmet need over their plan period 2011-2031 (150 x 20 years = **3,000**)
- c) The remaining unmet need is 5,025 – 3,000 = **2,025**.
- d) Mid Sussex need to deliver that over their plan period 2014-31 (2,025 / 17 years = 119dpa)

² This is because any additional contribution of 150dpa made by those authorities in 2030/31 would be contributing to needs arising in Crawley in that year; the precise OAN figure for the post-2030 period in Crawley, is not known, but the 2014-based household projections show continued household growth of c. 540 households per annum between 2030 and 2039, equivalent to an indicative figure c.570dpa (if Crawley’s allowance for vacancy/second homes and suppressed demand is applied), and a higher figure still once market signals are taken into account. Whatever the precise OAN figure, there is clearly ongoing need in Crawley beyond its current plan-period.

3.0 HMA Supply Trajectories (MSDC16)

- 3.1 MSDC16 includes at Annex 1 a table which combines the three authorities' supply trajectories and sets it against the OAN arising to 2030. This identifies that against potential supply the shortfall only totals 917 dwellings indicating that proposed supply across the HMA is slightly above planned housing requirements. However, caution must be exercised in interpreting and placing reliance on this, because:
- 1 It is the housing requirement figure that is used for monitoring purposes, not the housing supply trajectory, which will be a continually moving position;
 - 2 The supply trajectories are a point-in-time estimate of how much housing will come forward, where and at what point. They are the product of a range of assumptions (relating to site delivery) which may or may not hold true. If delivery slips, slows or lapses on any component of supply, the overall figure may well reduce. It is widely recognised (not least through s.78 appeals where five year land supply is tested) that trajectories are subject to significant uncertainty and change. For this reason, and particularly in the absence of detailed testing of these trajectories and the assumptions underlying them, very limited weight should be attached to these trajectories. It would not be sound for the Mid Sussex Local Plan to set a housing requirement figure below OAN for the HMA based on an assumption that all of that projected housing supply within all three individual trajectories, can and will come forward; and
 - 3 Most trajectories will inevitably show some degree of front loading and flexibility due to the requirement to maintain a 5% or 20% buffer on five year supply brought forward from later in the plan period, and due to the NPPF requirement to build flexibility into plans (NPPF para 14) which will often (correctly) involve making allowance for supply of more land for housing than the bare housing requirement.
- 3.2 It is for these reasons that comparing supply trajectories against unmet need is a false comparison to make. The Council is comparing 'apples with pears'. It is the housing requirement figures that matter. Supply trajectories are simply point-in-time illustrations of a Council's estimate of how it anticipates meeting its own requirement.
- 3.3 The trajectories have some utility in highlighting that – based on current supply estimates - the unmet needs are more likely to arise towards the second half of the 2020's. However, there is not any justification in Mid Sussex for phasing the implementation of housing supply to meet unmet need to a particular phase of the plan (with the effect of back-loading it) in advance of the Council having carried out the necessary exercise (originally identified as being required by the Inspector in ID11) of updating its SHLAA, preparing an SA, assessing the land supply, and then preparing a trajectory for those identified sites. This is particularly important because the Council does not have any control over the delivery of the homes in Crawley and Horsham that are being used as the justification for the approach.

4.0 A Constrained Position (MSDC18)

- 4.1 It is noted that MSDC18 further adopts a different position applying 876dpa (the Mid-Sussex only OAN) as a flat housing requirement across the plan period. This position (of not meeting full OAN across the HMA due to constraints) is not justified by any evidence (as a higher figure has not been tested), but the simple arithmetic is that unmet need in the HMA of 2,025 dwellings remains entirely unaddressed in this round of plan making. This is separate to the even greater scale of unmet need arising from Coastal West Sussex.

5.0 Conclusions and Implications

5.1 Based on the MSDC16 approach, and the above, it is concluded:

- 1 The planned requirements across the HMA would still leave a shortfall totalling 1,275 dwellings of Crawley's unmet need at 2030; and
- 2 Whilst the combined trajectories could theoretically reduce this, it is wrong in principle to make this 'apples and pears' comparison between requirements and trajectories across the HMA: the exercise of using the trajectories in this way is not justified. A supply trajectory is subject to significant uncertainty, is not in the control of Mid Sussex in the event that the trajectories in Crawley or Horsham do not transpire as envisaged. It is thus a false comparison to make.

5.2 Based on the MSDC18 approach, none of the unmet needs of 2,025 dwellings would be met.

5.3 In any event, either of the Council's approaches would not effectively ensure unmet needs are met within the HMA and **would not reflect an evidence based approach** to any housing requirement in Mid Sussex. The only correct approach to adopt is that originally advocated by the Inspector in ID11: for the Council to take an evidence-based approach to proactively seek to meet its full OAHN of 16,917³ over the whole plan period, and then identify – based on that work - whether and how it can best meet that OAHN in line with para 14 of the Framework, including identifying an appropriate strategy and realistic delivery trajectory based on sites and broad locations.

³ 16,917 is arrived at based on the 14,892 from Mid Sussex (876 x 17 years) plus the 2,025 from Crawley not being addressed elsewhere in the HMA (and which needs to be delivered by 2030).



Appendix 4.0

Briefing Note on Five Year Housing Land Supply (Judith Ashton Associates, July 2017)

5 Year HLS Housing Assessment based upon 876dpa and Sedgefield

Completions to date:-

630 completions 2014/15

868 completions 2015/16

912 completions 2016/17

Current deficit

If $876 = 876 \times 3 = 2628 - 2410 = 218$ deficit

Utilising information from MSDC 15 as commented upon by the Forum

Position at 1st April 2017

Requirement	MSDC	Gleeson 605 at BHNA	Forum 350 at BHNA	Notes – delivery in 5YHLS
District Plan housing requirement 2017/18 – 2021/22	4,598	4,598	4,598	Based on the plan requirement to achieve 876dpa until 2025 so effective for this 5 year period +218 shortfall from the first 3 years of the plan – as set out above
Annualised housing requirement with 20% buffer applied (years 1 -5 only)	5,518	5,518 (1103.6 dpa)	5,518 (1103.6 dpa)	5,518 x 20% (919)
Supply				
Commitments				
Large sites where development has commenced	1510	1402	1402	<p>The difference is the Waste Water Treatment Works (108). MSDC now have an app for RM for 108 units - DM/17/1117 refers. The applicants are Riverdale Developments. Submitted 10.3.2017 – no committee date on web at mo.</p> <p>Given the above, whilst it appears that terms had been agreed with Riverdale for the sale of land for circa 108 unit in Oct/Nov 2016 and Riverdale then put in a RMA, after months of legal negotiations the Riverdale offer to purchase evaporated, there is no sale contract and the agents have reached a conclusion that the Riverdale offer is no longer on the table.</p> <p>The Forums position remains that this site is not deliverable. It remains the case that legal contracts have not been exchanged with Riverdale and it is public knowledge that no other housebuilder has any interest in acquiring either the whole or part or part of the site.</p>
Large sites with planning permission where development has not commenced	2089	1958	1958	<p>The difference is Stafford House (14) Boltro Road (5) Ravenswood Hotel (12) Pease Pottage – MSDC say 450, the Forum consider 350 given the change in determination by MSDC from hybrid application to an Outline only consent in 2016, with subsequent delay in determination of Reserved Matters</p>

				application, with associated delay in delivery programme (100)
10% non-implementation rate for large sites with PP that have not commenced	0	-190	-190	
Resolution to grant and subject to S106	395	395	395	Previously we questioned the Land South of Rocky Lane MSDC say 200 the Forum said 100. Given the Fairfax Application (DM/16/4496) provides for 320 units and that outline pp was granted 10.4. 2017 the Forum have resolved to agree with MSDC on the proposed trajectory form this site.
Neighbourhood Plan allocations	540	540	540	Whilst historically the Forum had questioned the NCP car Park (40), the fact an application for 65 units has been submitted (DM/17/2384 refers) the Forum is no longer questioning this.
Sites in SHLAA / at pre app stage	202	46	46	<p>This category does not accord with the definition of a deliverable site in para 47 of the NPPF.</p> <p>However land r/o 17 Copthorne Road (25) included as an application went to committee on the 22nd June for approval - DM/16/5502 refers & a duplicate is with TDC for the access</p> <p>The Sewage Treatment works is the residual for the WWTW's and with the 108 above would provide for the full 150 identified in the SHLAA (42) no evidence of any impending submission</p> <p>37 – 55 Perrymount Road has yet to be subject to an application, includes multiple ownerships and cannot be guaranteed. (114) Whilst it may come forward in due course, to identify it as part of the 5 year HLS would be premature and inappropriate given footnote 11 of para 47 of the NPPF.</p> <p>As Crest here a current application for a 21 bed care home with MSDC (DM/17/1331 refers), and as this is interlinked with the current RM application for 75 houses (DM/17/1329 refers), it is accepted that this will probable deliver in the 5 year period.</p>
Small sites with planning permission (40% discount applied)	283	283	283	
District Plan allocation at Burgess Hill	605	605	350	The Forum said 255 at Burgess Hill, in the former SoCG. MSDC say 605, as per discussions with Nexus Planning

				Gleeson concur with 605 – as per Nexus letter Forum say 350 as the Nexus letter is heavily caveated (255)
Total Housing Supply in year 1 – 5	5,624	5,039	4,784	
Five year supply	5.09	4.56	4.33	Total supply / Total requirement x 5
Deficit over the 5 year period	+106	-479	-734	

5 Year HLS Housing Assessment based upon 1026 dpa and Sedgfield

Completions to date:-

630 completions 2014/15

868 completions 2015/16

912 completions 2016/17

Current deficit

If $1026 = 1026 \times 3 = 3078 - 2410 = 668$ deficit

Utilising information from MSDC 15 as commented upon by the Forum

Position at 1st April 2017

Requirement	MSDC	Gleeson 605 at BHNA	Forum 350 at BHNA	Notes – delivery in 5YHLS
District Plan housing requirement 2017/18 – 2021/22	5,798	5,798	5,798	Based on the plan requirement to achieve 1026 x 5 + 668 shortfall from the first 3 years of the plan – as set out above
Annualised housing requirement with 20% buffer applied (years 1 -5 only)	6,957 (1,391.52 dpa)	6,957 (1,391.52 dpa)	6,957 (1,391.52 dpa)	5,798 x 20% (1159)
Supply				
Commitments				
Large sites where development has commenced	1510	1402	1402	The difference is the Waste Water Treatment Works (108). MSDC now have an app for RM for 108 units - DM/17/1117 refers. The applicants are Riverdale Developments. Submitted 10.3.2017 – no committee date on web at mo. Given the above, whilst it appears that terms had been agreed with Riverdale for the sale of land for circa 108 unit in Oct/Nov 2016 and Riverdale then put in a RMA, after months of legal negotiations the Riverdale offer to purchase evaporated, there is no sale contract and the agents have reached a conclusion that the Riverdale offer is no longer on the table. The Forums position remains that this site is not deliverable. It remains the case that legal contracts have not been exchanged with Riverdale and it is public knowledge that no other housebuilder has any interest in acquiring either the whole or part or part of the site.
Large sites with planning permission where development has not commenced	2089	1958	1958	The difference is Stafford House (14) Boltro Road (5) Ravenswood Hotel (12) Pease Pottage – MSDC say 450, the Forum consider 350 given the change in determination by MSDC from hybrid application to an Outline only consent in 2016, with subsequent delay in determination of Reserved Matters application, with associated delay in delivery programme (100)
10% non-implementation rate	0	-190	-190	

for large sites with PP that have not commenced				
Resolution to grant and subject to S106	395	395	395	Previously we questioned the Land South of Rocky Lane MSDC say 200 the Forum said 100. Given the Fairfax Application (DM/16/4496) provides for 320 units and that outline pp was granted 10.4. 2017 the Forum have resolved to agree with MSDC on the proposed trajectory form this site.
Neighbourhood Plan allocations	540	540	540	Whilst historically the Forum had questioned the NCP car Park (40), the fact an application for 65 units has been submitted (DM/17/2384 refers) the Forum is no longer questioning this.
Sites in SHLAA / at pre app stage	202	46	46	This category does not accord with the definition of a deliverable site in para 47 of the NPPF. However land r/o 17 Copthorne Road (25) included as an application went to committee on the 22 nd June for approval - DM/16/5502 refers & a duplicate is with TDC for the access The Sewage Treatment works is the residual for the WWTW's and with the 108 above would provide for the full 150 identified in the SHLAA (42) no evidence of any impending submission 37 – 55 Perrymount Road has yet to be subject to an application, includes multiple ownerships and cannot be guaranteed. (114) Whilst it may come forward in due course, to identify it as part of the 5 year HLS would be premature and inappropriate given footnote 11 of para 47 of the NPPF. As Crest here a current application for a 21 bed care home with MSDC (DM/17/1331 refers), and as this is interlinked with the current RM application for 75 houses (DM/17/1329 refers), it is accepted that this will probable deliver in the 5 year period.
Small sites with planning permission (40% discount applied)	283	283	283	
District Plan allocation at Burgess Hill	605	605	350	The Forum said 255 at Burgess Hill, in the former SoCG. MSDC say 605, as per discussions with Nexus Planning (350) Gleeson concur with 605 – as per Nexus letter Forum say 350 as the Nexus letter is heavily caveated (255).
Total Housing Supply in year 1 - 5	5,624	5,039	4,784	
Five year supply	4.04	3.62	3.43	Total supply / Total requirement x 5
Deficit over the 5 year period	-1,333	-1918	-2,173	

Charles Collins

Director

+44 (0) 7870 999 596

ccollins@savills.com