

Mid Sussex District Plan Examination

Hearing 25 July 2017

AGENDA

- 1. Ashdown Forest**
- 2. Alternative ways forward**
- 3. Reviewing housing need**
- 4. Five year housing land supply issues**
- 5. Housing distribution**
- 6. Round up**

Background

My interim findings indicated that the housing requirement, including an OAN of 876 dpa and 150 dpa for unmet need in Crawley, would lead to a requirement of 1,026 dpa throughout the plan period, or an overall requirement of a minimum of 17,442 dwellings. My interim conclusions indicated to the Council that the following work should be carried out:

- A positive and proactive reassessment of known sites
- The identification of potential areas of growth
- A lowering of the threshold for strategic sites
- Bringing forward the site allocations plan

A hearing was scheduled for 3 March was scheduled to discuss the implications of these conclusions for future work, but that was cancelled by the Council. Subsequently the Council put forward MSDC 8c and MSDC 16, with the idea of a stepped trajectory which would be set at the OAN figure of 876 dpa until 2024/25 at which point it would step up to 1,026 dpa. MSDC 18 and MSDC 18a contain a number of commitments to site finding and review.

The Developers' Forum and others have suggested that the plan should proceed on the basis of the full requirement, but that the Examination should pause to enable to Council to undertake the necessary evaluation of sites and broad areas of search, and evaluate impacts. Both Crawley and Horsham Councils have written to Mid Sussex District Council to request that the residual level of unmet need in the HMA, after allowing for Horsham's contribution, should be accommodated in Mid Sussex.

This hearing will examine the relationship between housing provision and the need to protect the Ashdown Forest SAC and will consider ways forward, including the issues arising from normal and

stepped trajectories. It will examine recent submissions regarding the allowance for unmet need in the HMA and will examine what the plan needs to do to ensure a 5 year housing land supply against the overall requirement. It will conclude with a round-up session. I must make it clear at the outset that any outcome should have proper regard to unmet need for housing in the HMA.

1. Ashdown Forest

The Council says that it is not able to identify deliverable sites to meet any higher housing requirement than 876 dpa at the present time and that further consideration of these sites should be undertaken when the position on the Wealden decision becomes clearer. However, whilst the Wealden judgment has created the need for advice to address cumulative effects arising from a number of plans, it does not itself prevent the identification of sites and areas of land for housing and the assessment of impacts from them. It is therefore questionable whether the possibility of likely significant effects (LSE), as yet untested at the full level of housing need, can be sufficient reason for not taking further steps towards site and land identification. LSE is a trigger for an appropriate assessment to be carried out. Appropriate assessment may be the only way to determine in a legally robust way whether the full housing need can be accommodated. The case law in respect of the Habitats Regulations suggests that, in cases where it is not possible categorically to rule out LSE, a precautionary approach should be applied, with the assumption that there will be LSE and therefore that AA is required. AA would lead to consideration of the issue in light of the Ashdown Forest SAC's integrity including qualifying features, conservation objectives and current conservation status, and the impact on habitat types present within 200m of relevant roads. The sensitivity of the various SAC features to nitrogen deposition and acidification is likely to vary.

1a. What site and land identification work has been carried out since my interim letter? How has this been influenced by Ashdown Forest issues?

1b. How much work does the Council need to do on the identification of sites and broad locations for development to enable it to gauge whether there would be likely significant effects? Can such an approach actively address mitigation through, for example, the selection of sites to minimise impact to undertake this work?

1c. Would such work enable the Council to establish the need for appropriate assessment and what timescale would be required for such work? How might in-combination effects be handled following the Wealden judgment?

1d. If on the basis of such work, the evidence indicates that there would be an adverse effect on the integrity of the SAC (because it undermines the delivery of the conservation objectives) then would it be possible to write a policy that would link permission for housing to monitoring?

2. Alternative ways forward

Having regard to all the above, two scenarios appear to have been put forward.

Take as a starting point the full housing need annualised from the start of the plan period, but with a pause in the Examination to allow for site finding and assessment.

2a. What would be the implications for this approach? This would require time to allow the Council to undertake the work indicated in my interim letter together with an assessment of whether there would be likely significant effects on Ashdown Forest, whether AA is needed, and the evaluation of alternative approaches. The SHLAA would need to be reviewed to take more account of detailed information and to consider mitigation measures, and a SA addendum would be required.

2b. What would be the degree of delay?

2c. What would be the implications for the timing of the site allocations plan and the ability to address then 5 year housing land supply?

2d. If, following the additional work, there is still some uncertainty as regards impacts on Ashdown Forest (for example because not all precise sites are known), could the plan include a clause which required the impact of those unidentified sites or areas of land to be assessed when they come forward? (See 4d above). What might such a clause look like?

Allow for the full housing need (subject to assessment) but on a stepped trajectory. (MSDC 8c and MSDC 16)

2e. What would be the implications for soundness of the approach of the Council to proceed with a stepped housing trajectory beginning with 876 dpa and rising to the full requirement later, which might provide some time for site investigation and an assessment of impacts on Ashdown Forest? How and when would further site assessment and evaluation work be carried out?

2f. Would the site allocations plan and NP reviews have a part to play and what would be the timescale? MSDC 18a commits to preparing a site allocations plan with work starting in 2018, the maintenance of a live SHLAA, a call for sites in 2017, the assessment of potential impacts on the Ashdown Forest and a 5 year plan review. Is this a sound basis for the plan?

2g. On the detailed level, MSDC 8c and MSDC 16 propose a housing trajectory which would be set at the OAN figure of 876 dpa until 2024/25 at which point it would step up to 1,026 dpa. However, this would not deliver the identified requirement in my interim findings of 17,442 dwellings over the plan period. What is the correct higher figure to deliver the identified need (bearing in mind any necessary adjustments arising from item 3 below)?

2h. Even with a step in 2024/25, the higher requirement would start to feed into the 5 year housing land supply calculation in three years' time. What would be the implications for shorter term site identification including the site allocations plan?

3. Reviewing housing need

Submissions have been made since my interim conclusions in February suggesting that an adjustment should be made to the unmet need component, in part to take into account the differing plan periods. Further work by the Forum suggests that the figure relating to unmet need from Crawley that should be accommodated in Mid Sussex may be 119 dpa; Mr Kerlake puts forward other figures. The Council take a different approach by suggesting that higher than anticipated delivery rates in Crawley could reduce the amount of unmet need that needs to be planned for in the HMA.

3a. What is the most appropriate figure for unmet need calculated against the **policy position** in the current Crawley plan?

3b. Should the allowance for unmet need be adjusted by reference to either an anticipated provision in any future plan or higher than anticipated housing delivery in Crawley?

3c. Having regard to the outcome of the above two questions, and leaving aside for the moment questions about the housing trajectory and Ashdown Forest, what should be the annualised and total plan housing requirements?

4. Five year housing land supply issues

The Council has considered that it can maintain a 5 year housing land supply on the basis of 876 dpa. The Council's position is that the figure is 5.24 years (Liverpool) and 5.08 years (Sedgefield). However, based solely on the OAN of 876 dpa without any allowance for unmet need, the Forum calculates 4.33 years' supply, Gleeson 4.56. A recent appeal decision (3149456, Folders Lane) based solely on the OAN indicated 3.76 years' supply. If the 5YS were calculated to include identified unmet need in the HMA, the figure would be commensurately lower.

Identifying a 5 year supply figure in a strategic plan is not always an exact science, because a lot of sites will come forward later through a site allocations plan. However, it is important to establish whether the plan policies are likely to enable a 5 year supply to be maintained, to avoid a situation where the housing policies become out of date. Whether this exercise can be undertaken at this point in time will depend on identifying a way forward for the plan, and ascertaining the appropriate approach to the methodology and the buffer.

4a. Taking all of the foregoing, on what basis should the 5YS position be calculated, and what is the 5YS? (A range rather than precise figure will be sufficient.)

4b. Does the current plan include an adequate set of policies to enable the Council to achieve and maintain a 5 year supply of housing?

5. Housing distribution

5a. Is the proposed numerical distribution dwellings set out in MSDC 8c, and in particular that relating to Hassocks, soundly based?

6. Round up

Jonathan Bore
19 July 2017