

Friday 4th July 2017

494/A3/JJA

For the Attention of Inspector Jonathan Bore MRTPI
C/o Pauline Butcher, Program Officer
260 Collingwood Road
Sutton
Surrey
SM1 2NX

By Email Only

Dear Mr Bore,

Re: Mid Sussex District Plan 2014 – 2031 and the Mid Sussex Examination in Public

This letter has been prepared on behalf of Wates Developments Limited (Respondent No 14681), in respect of the provisional agenda for the Mid Sussex District Plan (MSDP) hearing, commencing Tuesday 25 July, as set out in id24 and is intended to support and supplement the submissions of the Mid Sussex Developers Forum.

Id24 raises 4 questions, each of which I address below:

1. [Whether MSDC16 contains an appropriate approach to the subject of unmet need in the Northern West Sussex HMA having regard to:](#)
 - a. [The timing of the step up \(2024/25 proposed\) and quantum post 2024/25;](#)
 - b. [Trajectory scenarios including future provision within the whole HMA;](#)
 - c. [The reasons for not meeting the totality of unmet need in Mid Sussex, i.e. “transport and habitats considerations at the required level of supply”;](#)
 - d. [The practical implications of the shortfall in 2029/30.](#)
- 1.1 MSDC 16 is one of a series of notes issued by MSDC on the issue of the housing requirement and the merits of a stepped trajectory since your interim findings of 20th Feb 2017 were published (id11). MSDC 14 proposed a stepped trajectory that provided for 876dpa for the period to 2024/25 and 1,026 dpa for the period thereafter (to 2030/31), this is reiterated in MSDC 16 and would in effect provide for 15,942 dwellings across the plan period, whilst MSDC18 (issued on 5.6.2017 i.e. after id24 was published) proposes just 876dpa, 14,892 dwellings across the whole plan period. This however conflicts with what is stated in MSDC8d which was also issued on 5.6.2017. Whilst MSDC8d suggests that para 5.5 of the MSDP be amended to provide for 876dpa until 2023/24 and then 1,026 thereafter, it also suggests that para 5.11 of the MSDP be amended to delivery ‘a maximum of 876dpa until satisfactory mitigation/compensation for adverse impacts on the Forest can be agreed’. As such MSDC’s position is somewhat unclear, and in terms of the reference to a ‘maximum’ contrary to national government guidance.
- 1.2 Having regard to the above MSDC 16 would lead to a shortfall of 1,500 dwellings relative to the 17,442 proposed in id11 and a shortfall of 975 dwellings across the Northern West Sussex HMA¹. MSDC 18 would lead to a shortfall of 2,550 relative to the 17,442 proposed in id11 and a shortfall of 2025 dwellings across the Northern West Sussex HMA². This is a significant shortfall which has serious implications for the HMA and would be inconsistent with the aims

¹ See Lichfield’s briefing note appended to the Forums submission.

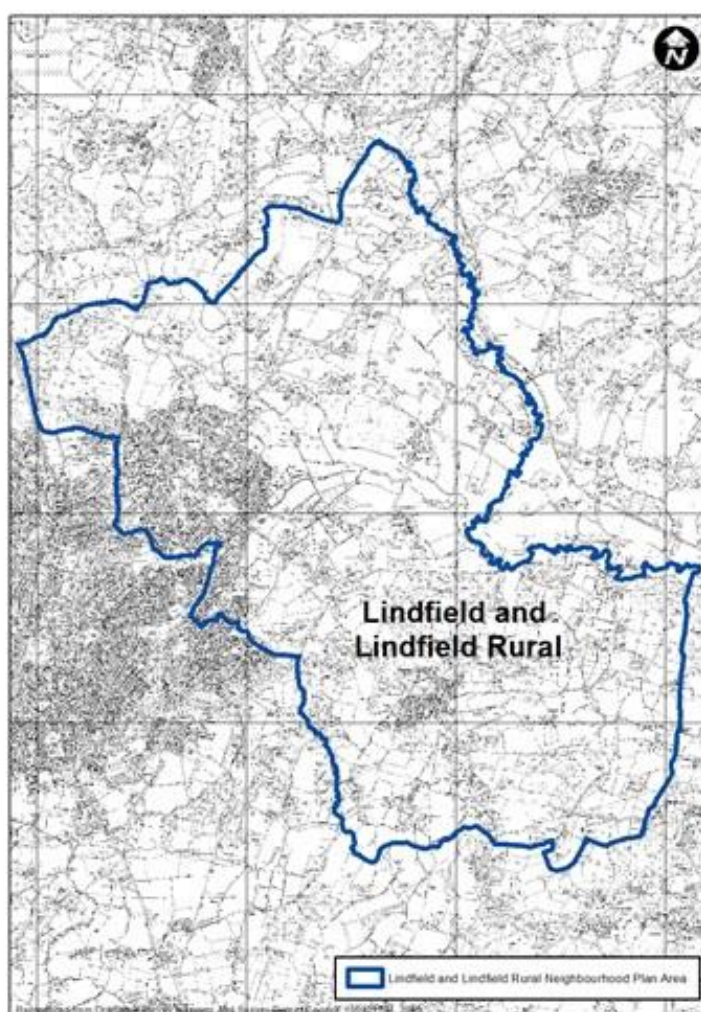
² See Lichfield’s briefing note appended to the Forums submission.

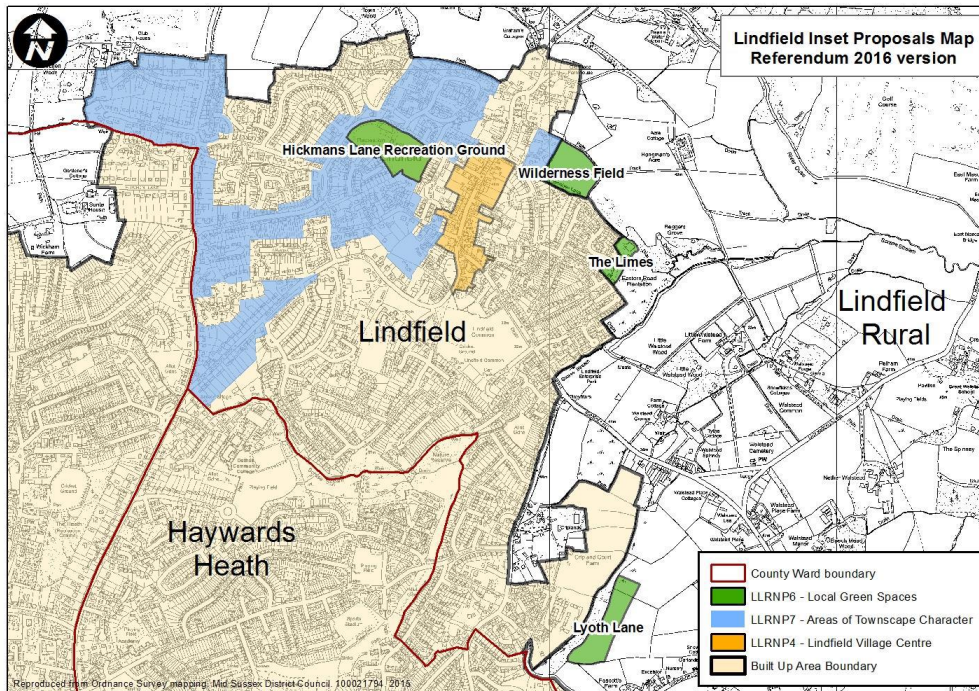
and objectives of national government guidance as set out in para 47 (bullet point 1) of the NPPF.

- 1.3 The plan should provide for the 17,442 proposed in id11 or demonstrate through the evidence base why this cannot be achieved. Unfortunately, despite the clear advice in id11, no evidence has been proffered by MSDC to demonstrate why the full housing needs of the HMA cannot be met. In order to address this MSDC need to undertake further work – as set out in the Forums submission. Whilst we appreciate this will lengthen the examination, we feel this is inevitable given the work required to address any future main modifications in any event. Furthermore we believe that if this work is not undertaken the plan as currently promoted by MSDC fails the tests in para 182 of the NPPF and is unsound.
 - 1.4 In undertaking this work MSDC should, in addition to a Call for Sites exercise, updated SHLAA and SA, revisit, as suggested in id11, the threshold for strategic sites and their approach to broad areas of search, which would then assist them in their consideration of the impact of the planned strategy on the Ashdown Forest SAC.
2. [The 5 year housing land supply position based on the identified OAN \(discussion should be based on a submitted SoCG\).](#)
- 2.1 An updated 5 year HLS note is provided within appendix 4 of the Forum's submission. This clearly indicates that MSDC can, on their own figures only deliver 5.09 years supply based on a housing requirement of 876 dpa and 4.04 years supply based on a housing requirement of 1,026 dpa.
 - 2.2 As set out in appendix 4 of the Forum's submission we believe the 5 year housing land supply position to be significantly worse than suggested by MSDC, at 4.33 years based on a housing requirement of 876 dpa and 3.4 years based on a housing requirement of 1,026 dpa.
 - 2.3 MSDC's housing supply is comparable to that which they accepted previously was 'very tight', and in our opinion fails to provide for any flexibility such that it does not comply with the aims and objectives of the NPPF. Our own calculation of the situation demonstrates there is no flexible, and that the plan would be unsound in the context of para 47 and 182 of the NPPF without further allocations.
3. [Whether the proposed modification to Policy DP5: Housing is sound in respect of the numbers of dwellings attached to settlements.](#)
- 3.1 The proposed modification to Policy DP5 as set out in MSDC 8c appears to relate to a stepped trajectory given the commentary on page 4 of said document and the fact that all the housing figures are based on an overall provision of 15,942 dwellings. Given MSDC8sd and MSDC18 the first question has to be – is what is set out in MSDC8c still MSDC's position as it clearly contradicts with MSDC8d and MSDC18. That aside, we also believe the rationale behind the Parish OAN Distribution Methodology set out in MSDC 8c should be explained at the examination by MSDC as there is no clear evidence base to support the assumptions made. Thus whilst what is proposed may ultimately be justified it is at present impossible to say whether it is or it is not.
 - 3.2 Likewise the allocation of sites to settlements to address the residual requirement suggested in MSDC8c should we believe be given further thought. It is not clear from MSDC8c what the extent of the area of search associated with the settlements identified is. Is it the parish boundary, or the current built up area boundary? Clearly the latter would be illogical given the fact that most of the residual requirement is likely to come from greenfield sites outside the settlement boundaries. By the same token it cannot be the parishes as some of the settlements mentioned, such as Scaynes Hill, are but a small part of a much larger parish. It

would thus seem more logical to look to group the residual requirement suggested in MSDC8c into the Neighbourhood Plan areas that have already been agreed and designated across the district.

- 3.3 By way of example, MSDC 8c suggests in appendix 1 (p10) that Lindfield and Lindfield Rural, have an OAN (based upon a housing requirement of 15,942 and the proportion of households in the Census 2011 - the policy off requirement) of 688 and 293 respectively. The policy on requirement is said to be 244 for Lindfield and 217 for Scaynes Hill (part of Lindfield Rural). The residual amount to find, after accounting for completions and commitments is according to p11/12 of MSDC8c 535 in Lindfield and 0 in Scaynes Hill. If one looks at the area that comprises Lindfield and Lindfield Rural Parishes, it is clear that Lindfield Parish is heavily constrained by its relationship with Haywards Heath and by its built up area boundaries, such that in reality any development serving Lindfield will be outside the built up area – in Lindfield Rural, yet Lindfield Rural has a zero allocation. The housing requirement per parish thus needs a reality check, and to be considered in the context of the neighbourhood plan area if the needs of the settlements are to be properly addressed. If they are not there is no clarity as to where the unmet needs of the likes of Lindfield will be accommodated. The neighbourhood plan area is the logical alternative to the parish/ settlement





Extracts form Lindfield and Lindfield Rural Neighbourhood plan – pages 5 and 32 – RD12a.

- 3.4 In the context of the above, areas where the residual requirement exceeds 300 dwellings should in our opinion be the subject of formal allocations now, not left to some future Site Allocations Plan/ Neighbourhood Plan Review as there is no policy provided for in the plan to trigger the Site Allocations Plan/ Neighbourhood Plan Review and thus no reason for the parishes to look to address this requirement now. .
4. [The effect on Ashdown Forest having regard to the Council’s most recent work \(evidence from the Council to follow shortly\).](#)
- 4.1 MSDC18 appears to seek to justify a housing requirement of 876dpa, and dismiss MSDC’s ability to provide for anything over and above this on the basis that the Council is not in a position to assess the Habitats implications of the provision of anything above 876 dpa. This it suggests is because of uncertainty over the sites that would be allocated to meet this higher number of dwellings at the current time. The proposed changes to para 5.11 of the MSDP – as set out in MSDC8d, suggest that the *‘scale and location of this development is not known – as the transport modelling is sensitive to the scale and location of development, any assessments undertaken at this stage would be unreliable and the impact on Ashdown Forest speculative’*
- 4.2 As set out in the Forums submission, MSDC’s failure to make adequate provision to meet the 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 the housing needs of the HMA

5 Overall Conclusions

- 5.1 In responding to id24 we would like to highlight the fact that Wates have sought to positively influence the proper plan making process in the District and to assist the Examination of the Plan. To this end they have fully supported the process of progressing towards a sound plan in Mid Sussex. However, having regard to the above, and to the Forums submission of today's date, I have to advise that we have come to the view that a plan which makes provision for 876 dpa is unsound.
- 5.2 The only way in which this can be rectified is in our opinion for the examination to be extended until February 2018 so that MSDC can:-
 - Undertake a formal Call for Sites exercise;
 - Undertake the necessary updates to the SHLAA;
 - Consider the implications of the further evidence on the Ashdown Forest that is to be published by Wealden District Council;
 - Look to allocate additional strategic sites/ areas of search;
 - Update the Sustainability Appraisal;
 - Update the Habitats Regulation Assessment; and
 - Undertake/ Update their Appropriate Assessment of the effects of the MSDP (in combination) on the Ashdown Forest.
- 5.3 This would provide for a comprehensive and robust evidence base against which the councils ability to accommodate its OAN and the unmet needs of Crawley could be assessed and the plan to move forward towards adoption. If this additional work is not undertaken then we believe the plan as currently presented is unsound as it has to be justified, is not positively prepared, is not effective and is not based on national policy as set out in the NPPF – it in effect fails all the tests set out in para 182 of the NPPF. Indeed in promoting a housing requirement of just 15,942 dwellings it is 1,500 dwellings short of the 17,442 figure cited in id11, or put another way over 1½ years short of the 17,442 figure cited in id11.
- 5.4 In your letter of 20th February (id11) you identified your conclusions on the full OAN for the HMA for which Mid Sussex should seek to plan and you identified flaws in the approach of the Council to development constraints, the SHLAA and the Sustainability Appraisal.
- 5.5 There is in our opinion, an important point of principle (established through the Courts) that, until all of these problems have been addressed and a new evidence-base has been prepared, it is not possible for any party to draw a firm conclusion as to the appropriate 'policy-on' housing requirement (as opposed to OAN) for the plan.
- 5.6 At the time of your letter of 20th February (id11), it was clear that you considered a number of substantive issues needed to be considered and discussed via a Hearing, as listed in your Agenda for the cancelled session on 3rd March; this included the overall planning framework, and the need for Technical Studies: including a new SHLAA and Sustainability Appraisal. None of this work has been carried out by the Council in order to demonstrate conclusively that MSDC can or cannot provide for 1,026 dpa.
- 5.7 That the Council has suggested its way forward in advance of carrying out this work is itself a significant concern, and all the more reason why it is important that the suggested approach, and the evidence base necessary, needs to be properly debated by those who have participated at the Hearings to date. To do otherwise increases the risk of the Council proceeding with an approach that proves not to be sound, and in due course attracts substantive objections and challenge.

Having regard to the above I would appreciate a seat at the hearing on the 25th and 26th July so that I may participate further in this debate.

Yours sincerely

Judith Ashton

JUDITH ASHTON

Judith Ashton Associates

cc

Simon Knight – Wates Developments