

Andrew Marsh
MSDC Planning Policy

1 Old School Court
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Lindfield
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RH16 2LD

31 May 2017

Dear Andrew,

I enclose a paper I have submitted to Mr Bore for the Hearings on 25/26 July.

In addition, I thought it might be helpful to set out my thoughts on the issues which need to be addressed when conducting the necessary HRA for the District Plan.

There are, in my view, a number of factors, as follows, related to the HRA on housing numbers planned to be provided in the District Plan : -

(i) The fact that a road within 200 metres of the Ashdown Forest SAC exceeds 1000 ADT's per day based on an 'in combination' effect of the housing planned by Districts surrounding the SAC does not mean that a District Plan is automatically unsound or even that mitigation is required. It is only when a Stage 2 appropriate/detailed assessment is conducted to assess the levels of nitrous oxide deposition levels that mitigation levels might be necessary. And, this would need air quality consultants to demonstrate that nitrous oxide deposition exceeds the 1% trigger level i.e. exceeds 1.99%.

(ii) Thus, it is only if ADT's exceed 1000 cars per day on a road and the Stage 2 appropriate/detailed assessment shows that nitrous oxide deposition is 2% or more, that each District must consider how best to mitigate its proportion of the total ADTs.

(iii) Clearly, Wealdon's and Lewes DC's 'in combination' ADT's on the A 26 already exceed 1000 ADT's and thus an appropriate/detailed Stage 2 assessment on air quality is needed on this road. If MSDC's plan provision adds any cars to the A26 then it would need to move to a Stage 2 assessment.

(iv) My guess is that most of MSDC's planned housing provision will be more likely to increase ADT's on the A275 and A22 and not the A26. And, I would not expect 'in combination' figures for Wealdon, Lewes and MSDC to exceed the 1000 ADT trigger on either the A22 or the A275.

(v) MSDC should run its transport model to cover the housing levels in Scenarios 1 and 3 in my attached paper.

Perhaps you will let Chris Tunnel see this please.

Regards



To Pauline Butcher
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1 Old School Court
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31 May 2017

Dear Pauline Butcher,

I enclose my submission for Mr Bore's consideration in relation to the Agenda for the Hearings on the Mid Sussex District Plan which will be held on 25/26 July 2017.

I have kept my comments/analysis to two pages in accordance with the two page rule for individual representors.

I would like to be present ,and take part,in the Hearings on 25/26 July please.

Yours sincerely



NEIL KERSLAKE

AGENDA FOR HEARINGS ON 25/26 JULY - COMMENTS/ANALYSIS

AGENDA ITEM 1(a),(b), and (d) - No I do not believe that MSDC 16 contains an appropriate approach to meeting the unmet need of the HMA. MSDC 16 does not comply with the requirement, in para 47 of the NPPF, of meeting the full OAN of the HMA, including Crawley's unmet need in full, over Crawley's plan period.

In addition, the unmet need for Crawley has not been calculated appropriately, with MSDC 16 asserting that there always has been a 35 dpa shortfall in Crawley's unmet need in para 25 and Crawley's letter of 9 May attached to MSDC 16 similarly asserting that there is a 35 dpa shortfall in its unmet need. This arises because both the Horsham Inspector, and MSDC's interim findings of 20 February 2017, calculated Crawley's unmet need based on Crawley's annual unmet need rather than its numeric total unmet need of 5025 homes i.e. 10125 (Crawley's OAN) minus 5100 (Crawley's expected maximum housing provision). This annual method of focusing on an unmet need for Crawley of 335 dpa is based on dividing Crawley's total unmet need of 5025 homes by 15 years (Crawley's plan period) but this methodology fails to recognise that the 3 HMA plans are for differing plan periods (20 years for Horsham, 17 years for MSDC and 15 years for Crawley). Thus, the Horsham Inspector believed he was providing less than 50% of Crawley's unmet need by requiring Horsham to provide 150 dpa out of Crawley's 335 dpa unmet need but because Horsham's plan runs for 20 years and Crawley's for only 15 years, Horsham was actually providing 3000 homes towards Crawley's unmet need of 5025 homes i.e. 60% of Crawley's unmet need. And, MSDC was similarly required to meet 150 dpa towards Crawley's unmet need (seemingly closer to 40% than 50%) but because MSDC's plan runs for 17 years it was actually providing 2550 homes unmet needs or 51% of Crawley's unmet need. Thus, this methodology results in Horsham's and MSDC's unmet need providing 5500 homes against a Crawley's actual unmet need of 5025 homes or an overprovision of 525 homes of unmet need.

If we use the appropriate method of calculating MSDC's unmet need, given that Horsham's contribution has been set at 3000 homes, then it will be 5025 minus 3000 = 2025 homes or 119 dpa over 17 years to 2031 and not the 150 dpa set in the interim findings. And, if Crawley's unmet need is to be provided, more appropriately, by the end of its plan period of 2030, then MSDC's unmet need would be 5025 minus 2850 (Horsham's unmet provision to 2030) = 2175 homes or 2175 divided by 16 years (to 2030) = 136 dpa. This would result in a MSDC housing requirement of 876 (its OAN) x 17 plus 136 x 16 = 17074 homes. (I will designate this latter, and more appropriate, calculation method as being Scenario 1).

The above has not been taken into account in MSDC 16 which assumes MSDC's unmet need is 150 dpa to give an annual housing need of 1026 dpa and it applies this figure from 2024/25 onwards in its proposed step trajectory.

MSDC 16 shows that Crawley now expect to provide 5541 homes by 2030 rather than 5100 expected at its Examination and in its adopted plan. That being so, there are two further possible Scenarios. Scenario 2 would be for MSDC to meet its new unmet need requirement by the end of its plan period (just as Horsham have done) which would result in a new unmet need figure of 10125 (Crawley's OAN) minus 5441 (its new expected provision) = 4584 homes minus 3000 (Horsham's unmet need to 2031) = 1584 homes divided by 17 years to 2031 = 93 dpa. This would result in an MSDC total housing requirement of 876 (its OAN) x 17 plus 93 (its unmet need) x 17 = 16473 homes to 2031. Scenario 3 would be for MSDC to be required to meet Crawley's unmet need by 2030 (the end of Crawley's plan period) which would result in a new unmet need figure of 10125 (Crawley's OAN) minus 5441 (its new expected housing provision) = 4584 homes minus 2850 (Horsham's unmet need contribution to 2030) = 1734 homes divided by 16 years to

2030 = 108dpa.

In my view, Scenario 3 would be the rational option to choose as it meets, in full, Crawley's unmet need by the end of Crawley's plan period of 2030. Under this Scenario, MSDC's total housing requirement would be 876 x 17 years (to 2031) plus 108 dpa x 16 years (to 2030) as its contribution to Crawley's unmet need giving a total MSDC housing requirement of 16620 homes to 2031. Under this scenario, MSDC's final year of its plan period would only require 876 homes (its OAN) and, in my view, no provision would or should be provided for Crawley because there is no tested (Examined) figure for Crawley's unmet need beyond its 15 plan period to 2030.

The above calculations show that MSDC 16 is based upon flawed figures.

AGENDA ITEM 1(c) - So far as Agenda item 1(c) is concerned, in my view there is no evidence in MSDC 16 to support MSDC's view that any HRA would show that MSDC cannot provide more than 15924 homes it is proposing in MSDC 16 without the Plan being unsound. MSDC's implication is that any higher housing number than 15924 homes would breach both a Stage 1 screening/scoping assessment, and if that fails the 1000 per day in combination methodology ADT on a specific road near to the Ashdown Forest SAC, that a Stage 2 subsequent necessary appropriate/detailed assessment would show that nitrous oxide deposits exceed the 1% threshold. At that stage, MSDC would need to consider keeping its total housing provision to 15924 homes in order to ensure that by keeping its housing to that level it would avoid its Plan being found unsound. So far as the other two bullet points in MSDC 16 para 6 are concerned, the fact that there must be 5 year reviews of plans does not mean that the plan should provide less than the rationally calculated plan provision at the outset but should, as MSDC 16 implies, provide a lower housing figure (a 'low ball figure') and then 'see how things go at each 5 year review'. Such an approach would not, in my view, be compatible with paras 14 and 47 of the NPPF. And, bullet point 3 is simply a statement of the obvious required ongoing duty of co-operation arrangements set out in the NPPF and is no basis, or argument, for providing a lower housing requirement from that calculated for a District Plan.

In my view the 3 bullet points in para 6 of MSDC 16 provide no evidence, or logical case, for MSDC reducing its housing requirement to 15942 homes and below either of the much higher total housing required by Scenarios 1 and 3 above (i.e. either 17074 homes or 16620 homes)

AGENDA ITEM 2 - No comments as I do not have the committed supply details, and the associated site details, to calculate a five year supply figure.

AGENDA ITEM 3 - MSDC 8(c) - In my view, there should be a re-run of this paper based on the higher housing requirements of Scenarios 1 and 3 above. That said there is an assertion on page 7 that "the majority of settlements have sufficient commitments to meet their need until at least 2021/22" but the table provides no evidence of actual commitment figures for each settlement to demonstrate, evidentially, this assertion. Stage 3 on page 11 provides no incremental allocation for either Hurstpierpoint or Ansty presumably on the basis that the Burgess Hill Northern Arc sits in their parishes. But Hurstpierpoint and Ansty are providing specific housing in their Neighbourhood plans (notwithstanding the Northern Arc housing) and logically they should also be allocated a share of the incremental housing numbers

AGENDA ITEM 4 - I cannot comment on the HRA, other than my comments on the HRA in Agenda item 1(c) above, until MSDC provide their calculation. I will provide comments at that stage (but if it breaches the 2 page rule) I will comment orally at the hearing.

NEILKERSLAKE 29 May 2017