
Examination Statement – July 2017 hearings

Mid Sussex District Plan 2014-2031

on behalf of Hallam Land Management Limited

July 2017

EXAMINATION STATEMENT FOR MATTERS TO BE CONSIDERED AT THE JULY HEARINGS OF MID SUSSEX DISTRICT PLAN

We write on behalf of our client, Hallam Land Management Limited (HLM), in response to the Inspector's questions for the hearings to be held on 25 and 26 July in relation to the Mid Sussex District Plan 2014-2031.

Question 1 - MSDC16 approach to unmet need in the Northern West Sussex HMA

Question 1a - Timing of the step up (2024/25 proposed)

We note that the Council have not updated their evidence base, including further consideration of the ability of sites to contribute towards housing land supply, despite the Inspector requesting this in his interim conclusions. Without such work being undertaken, there is insufficient evidence to justify a stepped approach to meeting housing need.

Any consideration of a step up should be based on when additional sites can be brought forward in the plan-making process in order to provide a robust land supply. This should happen at the earliest opportunity and not based on the projected/perceived timing of the unmet needs occurring. However, even if the Inspector agrees with the Council that they can rely on the Site Allocations Plan and Neighbourhood Plans to bring forward the additional sites the timing of the step up should be linked to when this can happen. Unmet need should be planned for positively and the approach put forward from the Council appears reactive. What is being proposed by the Council is an unjustified constraining of supply and a treatment of housing requirements as maximums.

The Council have previously stated that they will put a Site Allocations DPD in place by 2020/21. The Inspector previously indicated in his interim conclusions that if further allocations were not made now then the timing of this could be brought forward. Therefore it would be reasonable for the step up trajectory to align with this timetable. This would also act as an incentive for the Council to ensure this timetable is met. The monitoring objective proposed is not effective. If the combined projections fell below the assumptions in MSDC16 there is no ability in what is proposed to bring the step up forward to meet the unmet needs.

Question 1b - Trajectory scenarios

MSDC16 identifies that at the end of the plan period there will remain an unmet need of 917 homes within the Northern West Sussex HMA based on the current trajectories of Crawley and Horsham, plus the unmet needs in Mid Sussex District (62dpa) over the plan period. No evidence has been provided by the Council to identify why they have not incorporated the Inspector's interim conclusions with regard to making a contribution of 150 dpa towards accommodating Crawley's unmet housing need. The figures presented are not a stepped trajectory based on the housing requirement set out in the Inspector's interim conclusions. Instead the Council seeks to reduce the overall housing requirement and apply a stepped approach to the lower figure.

Rather than positively responding to this request the Council have undertaken scenario testing to try and justify a reduced requirement for the District, which, as set out MSDC16, both Crawley and Horsham object to. Scenario 2 within MSDC16 essentially includes a large windfall allowance from across the HMA of 35dpa to meet the remaining needs. However, a windfall allowance has already been included through the updating of the Horsham and Crawley trajectories so it would appear that there is some double counting. The Horsham trajectory shows that they will deliver 14,859 homes over the plan period against a plan requirement of 15,200. In the scenarios set out in MSDC16 there is already an assumption that this will be made up by the end of the plan period. To do this it would require 341 homes to 2029/30 (13 years), which is approximately 26 homes per annum. The ability to then have 35dpa on top of that would appear unlikely. In addition, as identified in the Crawley letter, their most up to date trajectory allows for increased housing delivery from within Crawley Borough. No further allowance should be made in addition to this.

If the Council accommodated the 150dpa previously indicated by the Inspector there would be far greater certainty that the needs of the HMA will be met within the plan period. It would also allow a plan led approach to the unmet housing needs as advocated by the NPPF. The approach set out by the Council provides no certainty or ability to ensure that the needs are met in a sustainable way.

Question 1c - Reasons for not meeting the totality of unmet need in Mid Sussex

The Council have presented no additional evidence to justify why they cannot accommodate the figures set out in the Inspector's interim conclusions. The evidence base has not been reviewed to resolve the issues raised with it in terms of the assessments of sites and alternatives in the SA or SHLAA. There has been no assessment of additional sites or broad locations. This issue is picked up further in our comments on MSDC18 as part of question 4.

Question 1d - Practical implications of the shortfall in 2029/30

As set out above the implications of the shortfall of 917 homes across the housing market area by 2029/30 should be considered and addressed. Leaving a shortfall in 2029/30 means that it realistically will not be met within the plan period as the other Development Plans within the HMA do not have a mechanism for bringing sites forward in time for them to deliver the homes. In an HMA where affordability of housing is severe the Councils within the HMA should be proactive in seeking to ensure that the housing needs are met within the plan period. The unmet needs of this HMA should not be seen in isolation. As we heard at earlier hearings the unmet needs of Brighton have not yet been incorporated within development plans in the wider area and will further impact on the availability and affordability of housing in the region.

Question 2 - 5 year land supply position based on the identified OAN

We have not entered a SoCG in this regard and therefore have not entered specific evidence. However, we would make a few observations about the evidence submitted by the Council.

- The rates for delivery from the allocated sites are too high. Pease Pottage have suffered delays to the determination of the reserved matters and Burgess Hill has not achieved the timescale assumptions upon which the Nexus letter was based.
- The inclusion of "sites in the SHLAA/at pre-app stage" does not accord with the definition of a deliverable site in para 47 of the NPPF.
- Large reliance on sites without planning permission where development has not commenced (2,089 homes). We consider that there are a range of risks associated with this in terms of delay and that this should be reduced.

Question 3 - Policy DP5: Housing – number of dwellings attached to settlements

The methodology behind the distribution of homes across settlements is not sound as the assumptions it is based on are not justified and will not result in an effective strategy to address needs.

Parish/town OAN and completions/commitments

The methodology states that it established a parish/town OAN as the starting point. This methodology is actually based on a residual housing requirement (policy on) from the Local Plan and being spread proportionately across the settlements based on the number of households in 2011. This housing number is clearly not an OAN and does not take account of needs/market signals in the way the PPG sets out for calculating OAN. Unfortunately, the Council's methodology goes on to treat the figure like an OAN. For example paragraph 9 includes assumptions about strategic allocations and completions/commitments to ensure there is no excess against this "OAN".

The District plan has made the decision to allocate the sites at Burgess Hill and Pease Pottage for a number of reasons. These include sustainability credentials and in the case of Pease Pottage relationship to Crawley. It is not sound to then state that the parishes where these sites are located should not have any other growth. It is also not sound to say that because a settlement has already been allocated more than their proportional amount from the residual requirement that they do not need to do more. This potentially results in development being pushed to less sustainable locations despite there being capacity in the more sustainable locations.

Relationship to unmet needs

The Council in MSDC16 set out that they are proposing to accommodate 900 homes for unmet needs from the wider HMA across the 16 year plan period. Pease Pottage has been identified as contributing 600 homes towards this figure and has been allocated and outline consent has been granted. This would, on the Council's evidence leave 300 homes left to find. However if we were to look at the Inspectors interim conclusions on unmet needs the total to be accommodated in Mid Sussex should have been 2,400 homes. Taking out Pease Pottage's contribution would have left 1,800 homes still to find to help meet needs across the HMA. The methodology for the spatial distribution of remaining homes by settlement makes no reference to the spatial relationship to Crawley for the remaining homes that are required to meet the needs of Crawley, despite this being a key reason for the strategic allocation.

Constraints and relationship to Ashdown Forest SPA

The methodology has not taken into consideration of constraints comprehensively. The methodology at paragraph 9 has taken account of the presence of AONB in some settlements and applied a discount to parishes within the AONB, *"with the rest proportionately re-assigned to less constrained settlements."*

The NPPF does not state that no development shall happen in AONBs and the exceptional circumstances set out at paragraph 116 of the NPPF only apply to major development within an AONB. There may well be opportunities for non-major development at these AONB villages. The "less-constrained settlements" where growth where growth has been re-assigned does not actually take account of constraints. For example, the methodology does not take account that some settlements are more affected by the Ashdown Forest SPA than others. The approach also does not undertake a balancing exercise of constraints against benefits of sustainability credentials and other factors .e.g. accessibility to Crawley.

Capacity

The methodology does not take any account of availability of sites within settlements when reaching the distribution figures. The Council have not updated their evidence in this regard and therefore in order to do this comprehensively the SHLAA would need updating.

Question 4 - Effect on Ashdown Forest

We do not support the Council's conclusions that they cannot test the recommended figures from the Inspector's conclusions in the HRA and therefore cannot plan for the needs identified in the Inspector's interim conclusions. We consider that if the Council were to address the flaws already identified in their evidence base relating to the SA and SHLAA, it would provide a basis to test broad location scenarios in the HRA. The Council do not adequately justify why they cannot test the options in the HRA, particularly since the opportunity has been offered to step the trajectory so that the testing need does not trigger immediately.

We consider that it is reasonable for the Council to test a series of broad locations through the HRA. This would require the Council to undertake the updates to their evidence for example in the SHLAA and SA that were recommended by the Inspector. This could also include the broad locations being tested through the transport evidence. The Council highlight that "the assessment of traffic through the Ashdown Forest is sensitive to both location and scale of development". The exact locations do not need to be confirmed in order to undertake scenario testing that would give sufficient confidence that the needs could be accommodated.

The seeming avoidance of undertaking this work appears to lead the Council to the conclusion that they cannot meet the needs set out in the Inspector's interim conclusions. This is not sound. This raises the same issues as those identified with the capping of the requirement at 800dpa. There is a circularity to this argument. The Council say they cannot test the higher figures at this time and therefore it they are not planning for them to be met. However, without the testing we cannot conclude that the needs should go unmet. Fundamentally, we do not agree that it cannot be sufficiently tested, particularly if they are not being required to allocate the additional sites at this time. In addition to the above points, we have identified that MSDC 18 also contains a contradictions to other papers put forward by the Council.

The covering letter states that *"the Council 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."* However, in MSDC 16 the Council have set out a specific distribution of this figure and a proportion of the unmet need figure by settlement. Although we do not agree with the methodology applied this is the Council's proposal and would provide them with specific broad locations for testing through HRA.

MSDC 18 states at paragraph 10 that the *"overall the Council suggests it cannot demonstrate a 'Habitats-sound' position at 1,026 dpa at the current time."* It is clear from this statement that the Council do not think that it will never be possible to test the figure but that they think they cannot do it at the current time. However, they do not appear to have put forward a review policy so that the higher figure could be tested. We do not advocate a review as we think it could be tested now. However, the Council have not considered this option despite highlighting that in part their justification relates to doing the work now.