

## Hearing Statement

### Land west of Imberhorne Lane, East Grinstead

#### On behalf of Welbeck Strategic Land II LLP (Respondent Ref. 20534)

1. Background
  - 1.1 DMH Stallard LLP (DMHS) act on behalf of Welbeck Strategic Land II LLP (Welbeck Strategic). Welbeck Strategic are members of the Mid Sussex Developments Forum (the "Forum"), which was established in September 2016. These representations should be read in conjunction with the Examination Statement submitted by Savills on behalf of the Forum.
  - 1.2 Since the submission of the MSDP, various amendments have been made, a summary of which has been provided at MSDC17(ii). It should be noted that these proposed changes have not been subject to public consultation.
  - 1.3 In February 2017, the Inspector published his Interim Findings (ID11), this found that without main modifications, the MSDP would be unsound, particularly in relation to the matter of objectively assessed housing needs (OAHN) and the unmet needs of neighbouring authorities. The Inspector's position, presented in ID11, was that the housing requirement should be a **minimum of 1,026 dwellings per annum (dpa)**, this included a contribution of 150dpa towards the unmet needs of Crawley.
  - 1.4 Additionally, the Interim Findings found concern with the approaches taken in respect of the Sustainability Appraisal (SA) and the Strategic Housing Land Availability Assessment (SHLAA). On page 9 of the Interim Findings, the Inspector notes that the SA makes "*generalised and in some cases, questionable*" assumptions. Furthermore, it is noted that what the SHLAA "*analysis does not do is to consider the extent to which they [constraints] might be resolved or mitigated...*", moreover that "*absence of evidence counts against a site without any further assessment*". There was a clear recommendation to review both documents.
  - 1.5 MSDC's position has changed notably from the Examination, and throughout subsequent discussion with the Inspector. No further evidence has been provided, demonstrating how MSDC have reviewed the SHLAA or SA.
  - 1.6 It is noted that the Preliminary Hearing Agenda refers to the Council's proposed stepped trajectory, however, it is not clear that this is now being proposed. The Council's latest correspondence with the Inspector (MSDC18(i)) states in the final paragraph: "*The Council believes the plan could be found sound on the basis of a maximum 876 dpa...*"
  - 1.7 It can therefore be surmised that the position of MSDC is to progress a **housing requirement of 876dpa**. This makes no provision for the unmet needs of Crawley.
2. The Housing Requirement
  - 2.1 The Interim Findings (ID11) clearly state that the housing requirement should be set at a minimum of 1,026dpa. In ID14, the Inspector notes that "*the objective of the Council's further work should be the attainment of the housing requirement rather than the advancement of more reasons why it cannot be met*". From the evidence submitted, there appears to have been no attempt to attain the housing requirement, nor has there been any meaningful discussion

with developers, to consider how constraints previously identified, could allow the allocation of further housing sites.

- 2.2 At page 8 of the Interim Findings, it is acknowledged that a higher housing requirement would “*require re-visiting sites that have been rejected*”. However, MSDC have not sought to review the SHLAA or Strategic Sites Paper, or to identify new sites which have become available since the original call for sites in 2014.
- 2.3 Welbeck Strategic have control over land west of Imberhorne Lane, which is ranked 5<sup>th</sup> out of 14 sites in the Strategic Sites Paper (sites ranked 1 – 3 are allocated in the District Plan). The SHLAA state it is *relatively unconstrained*, but that further work on the impact on the highways network would be necessary. Since the Interim Findings, published in February 2017, MSDC have not sought to engage constructively with Welbeck Strategic to assess the highways impacts or potential mitigation, which remains the Council’s only concern. In the absence of joint working and any attempt from MSDC to proactively seek to resolve the single identified constraint, progress with the Highways Authority has been difficult.
- 2.4 Rather than seeking to meet the housing requirement, the Council have submitted two alternative positions. The first, being a stepped trajectory (876dpa rising to 1026dpa) The second, and seemingly current position, is to meet only the OAHN of MSDC on the basis of the Ashdown Forest, this would result in 876dpa.
- 2.5 The Examination Statement of the Forum sets out the implications for both approaches on the Housing Market Area (HMA) and demonstrates that **a housing requirement of 876dpa would result in a deficit of 2,025 dwellings within the HMA.**
- 2.6 MSDC16 (Northern West Sussex HMA Implications) sets out the position of the HMA Councils. At paragraph 6 it acknowledges that both HDC and CBC have concerns with the stepped trajectory proposed by MSDC in earlier submissions, as this would result in a **shortfall across the HMA of 975 dwellings.**
- 2.7 **There has been no evidence provided to the Examination demonstrating how MSDC have sought to achieve a higher housing requirement and the MSDP fails to properly meet the unmet housing needs of the HMA, thus failing to meet the requirements of national planning policy (NPPF, paragraphs 14 and 182).**
3. MSDC 18 (i) and (ii) – The Ashdown Forest
  - 3.1 MSDC 18 (i) and (ii) sets out the Council’s response to the recent Wealden decision. The evidence submitted seeks to demonstrate that there would be no overall traffic impact on the Ashdown Forest roads at 876dpa. It is a starting point for the consideration of the impacts and is not intended to be an HRA. Icen Projects, on behalf of Welbeck Strategic, have reviewed the assumptions within MSDC 18 (ii), this is set out in Appendix A.
  - 3.2 It is possible that the use of the West Sussex County Strategic Transport Model could be considered to represent an appropriate in-combination assessment of traffic movement across the Ashdown Forest. However, MSDC 18 (ii) does not go far enough, and cannot be used as a limit to the housing requirement. It does not seek to assess the implications of a higher housing requirement.
  - 3.3 As demonstrated in the Transport Note, the assumptions made by MSDC in MSDC18 (ii) are that at 876dpa, the District Plan would generate traffic far below the 1000AADT threshold on

the critical roads (A22 and A26). This provides plenty of 'headroom' for further development and does not support their position, that a maximum of 876dpa could be delivered.

- 3.4 The Icen Transport Note shows that the combined AADT traffic movements (MSDC, WDC and Imberhorne Farm) are still significantly short of the 1000AADT threshold. Furthermore, that in combination with the existing District Plan allocations, that there would be a reduction on traffic on the A22 and A26. The only road that would, in combination, suffer an increase in traffic is the A275, but only a result of existing District Plan commitments and not as a result of traffic associated with Imberhorne Farm (Table 1.7 of the Icen Transport Note).
- 3.5 In our opinion, MSDC have used their position on 'deliverable' sites (which Welbeck and the Forum continue to contest) as a constraint to delivering the housing requirement. As shown, there are sites, such as land west of Imberhorne Lane, capable of delivering housing within the 5 year period, which are relatively free of constraint.
- 3.6 **The current approach is unsound. A failure to assess the implications of a higher housing requirement, including the identification of sites and the undertaking of an HRA, does not justify the lower housing requirement of 876dpa.**
4. Five Year Housing Land Supply
- 4.1 The Examination Statement submitted on behalf of the Forum is endorsed by Welbeck Strategic. It should be noted, that Welbeck Strategic support Scenario 3, which uses a more realistic estimate of delivery from the Burgess Hill Northern Arc (350 in the first 5 years).
5. The Way Forwards
- 5.1 The Inspectors Interim Findings (ID11) clearly set out a housing requirement of 1,026. The current housing requirement proposed by MSDC is unclear, but it would appear to be 876dpa on the basis of MSDC18 (i) and (ii).
- 5.2 The Council have continuously failed in any attempt to identify new sites, or overcome constraints identified on promoted sites and the MSDP, as proposed, would fail to meet the OAHN of the HMA.
- 5.3 We submit that the MSDP is currently unsound as it has not been positively prepared 182, nor can the strategy be considered justified (para 182 of the NPPF). MSDC have failed to review the SHLAA, SA or Strategic Sites Paper, they have failed to make any attempt to identify further site allocations.
- 5.4 MSDC have failed over the past 5 months to further their evidence, as set out above. Furthermore, MSDC have failed to acknowledge the Inspector's concerns with the SHLAA and SA nor have they made any attempt to attain a higher housing requirement. **We therefore submit that the examination should be formally suspended to allow for the preparation of proper evidence, to include a review of the SHLAA, SA and strategic sites and to prepare further evidence on the Ashdown Forest.** This would be necessary in any case, as the Council will be required to publish main modification for further consultation. A proposed suspension timescale is set out in the Forum's Examination Statement.

