

Mid Sussex District Plan Examination

Hearing Statement for sessions to commence on 28th February 2017

Submitted on behalf of:

**Gleeson Developments Limited
Rydon Homes Limited
Wates Developments Limited**

Introduction

1. On behalf of our clients, Gleeson Developments Limited, Rydon Homes Limited, and Wates Developments Limited (hereinafter referred to as 'the Consortium'), please accept this Joint Hearing Statement in respect of the Inspector's questions raised ahead of the sessions due to comment on 28th February 2017. All three developers control the significant majority of land within the Mid Sussex District Plan allocation to the north of Burgess Hill (Policy DP9: Strategic Allocation to the north and north-west of Burgess Hill). The area under the control by the Consortium is known as the Burgess Hill Northern Arc.

Policy DP2: Sustainable Economic Development

2. Please see our comments in relation to Policy DP9 which suggests that appropriate cross reference is made to Policy DP2.

Policy DP3: Town Centre Development

What are the implications of this policy, and in particular the sequential approach, for any retail and central area uses proposed in Policy DP9?

3. It is important that the policy wording is clear to ensure that supporting retail and central area uses which could be delivered with the strategic allocation to the north of Burgess Hill (Policy DP9) are not unnecessarily restricted by application of the sequential test.
4. The NPPF at paragraph 26 indicates that an impact assessment would be required for certain proposed uses outside of town centre areas which, are not in accordance with an up-to-date Local Plan. We note that similar wording appears in Policy DP3 and states that:

"A sequential test must be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with the District Plan and the relevant Neighbourhood Plan."

5. It is our understanding that the Council's intention is to ensure that retail and other central area uses are not unduly restricted by the requirement for a sequential test from the DP9 strategic allocation given the policy allows for mixed-uses. However, we welcome confirmation from the Inspector that the policy wording is suitable to achieve this aim.

Policy DP7: General Principles of Strategic Development at Burgess Hill

(a) Are the requirements of this policy consistent with the terms of the planning permission granted for site DP8, including any planning conditions and s106 obligations? (See also question under DP8, below)

6. Whilst this is a question for the Council, the Consortium notes that the requirements of Policy DP7 are broadly consistent with the terms of Planning Permission 12/01532/OUT. The exceptions (extracted from Policy DP7) are:
 1. *Contribute towards a better, more accessible town centre with a greater range of shops, an expansion of retail floorspace, leisure uses and public realm improvements including a new public square;*
 2. *Provide additional, high quality employment opportunities including suitably located Business Park developments accessible by public transport;*
 3. *Addressing the limitations of the A2300 link road and its junction with the A23;*
 4. *Support the delivery of a multi-functional route between Burgess Hill and Haywards Heath; and*
 5. *Provide a Centre for Community Sport in the vicinity of the Triangle Leisure Centre;*

6. *Not be occupied until necessary improvements at Goddards Green Waste Water Treatment Works and connecting pipework and pumping stations to increase the capacity and environmental quality are implemented.*
7. The above items 2, 3, 4, 5 and 6 are specific to the BHNA and as such are not relevant to the strategic development on Land East of Kings Way.
8. In relation to item 1, as discussed below in relation to Question DP7 (c), the Consortium considers that the strategic development on Land East of Kings Way was not able to directly contribute to the improvement of Burgess Hill town centre. Burgess Hill town centre does not form part of the strategic allocation and is not believed to be within the control of the applicant.

(b) Given that site DP8 already has planning permission, should Policy DP7 be deleted and its requirements included in Policy DP9?

9. The Consortium are of the opinion that, as the strategic development at Land East of Kings Way is not yet fully delivered, it is appropriate that Policy DP7 should remain.
10. However, should the decision be made to incorporate Policy DP7 into Policy DP9 the Consortium believe that, where appropriate and relevant, the requirements of Policy DP7 can be incorporated in to Policy DP9 and Policy DP7 be deleted.
11. In this event, to avoid duplication, the Consortium considers that the following text from Policy DP7, with suggested amendments made in tracked changes (additions / ~~deletions~~) in line with the Consortium's consistent representations on the District Plan, could be included in Policy DP9, with the remaining text of Policy DP7 deleted:

"Strategic development will:

- *Be designed in a way that integrates it into the existing town providing connectivity with all relevant services and facilities;*
 - *Provide or contribute to new ~~and~~ or improved community, retail, cultural, educational, health, recreation, play and other facilities to create services and places that help to form strong local communities and encourage healthy lifestyles;*
 - *Provide an effective telecommunications infrastructure, including provision for broadband;*
 - *Wherever possible, incorporate on-site 'community energy systems', such as Combined Heat and Power or other appropriate low carbon technologies, to meet energy needs and create a sustainable development. ~~The development shall also include appropriate carbon reduction, energy efficiency and water consumption reduction measures to demonstrate high levels of sustainability.~~"*
12. In relation to carbon reduction, energy efficiency and water consumption, The Consortium have consistently objected to this element of Policy DP9 on the basis that the text does not provide sufficient clarity as to what 'appropriate' measures might compromise. The Consortium believe that stronger reference should be made to National Policy and building regulations.

(c) In what way can the strategic developments at Burgess Hill directly contribute towards a better, more accessible town centre with a greater range of shops, more retail floorspace, and so on?

13. It is the Consortium's considered opinion that the Burgess Hill Northern Arc (BHNA) strategic development cannot directly contribute to the improvement of Burgess Hill town centre. Burgess Hill town centre does not form part of the BHNA strategic allocation and is not within the control of the Consortium. However, it is recognised that the BHNA will contribute indirectly to the vitality and success of Burgess Hill Town Centre through increases to local consumer and visitor populations.
14. Should CIL be adopted in Mid Sussex, dependent upon the adopted charging schedule, the BHNA strategic development may make CIL contributions towards improvements to Burgess Hill town centre. However, at this time it is the view of the Consortium that the strategic development should be zero rated. Indeed, the July 2016 Community Infrastructure Levy and District Plan Viability Study (Examination Document EP43) concludes that: "... the strategic sites at Burgess Hill and Pease

Pottage are unlikely to be able to absorb a CIL charge due to the likely amount of on-site community infrastructure that will be secured through Section 106”.

15. The Consortium therefore considers that, notwithstanding the response to DP7 Question (b), the following text should from Policy DP7 should be amended:

*“Contribute towards a better, more accessible town centre ~~with~~ **by providing support for** a greater range of shops, an expansion of retail floorspace, leisure uses and public realm improvements including a new public square.”*

(d) What is the evidence to demonstrate that the Burgess Hill developments require contributions towards enhancing transport interchanges?

(e) What is the evidence to indicate that highway improvements outside the district elsewhere in East Sussex are required?

16. As part of developing proposals for the delivery of the BHNA, the Consortium has commissioned ongoing assessments of transport impacts and associated infrastructure requirements based upon the emerging development schemes. The Consortium anticipate that the findings of these assessments, in conjunction with the Council’s evidence relating to Burgess Hill transport interchanges and wider highways improvements will establish the requirement, or otherwise, for such works.

(f) How are the strategic developments expected to “support the delivery” of (i) the Green Circle and (ii) a multi-functional route between Burgess Hill and Haywards Heath? Who controls the land? Who would pay for the provision of these facilities? (See also Policy DP38)

17. The Consortium intends to support the delivery of the aspirational Green Circle through the BHNA strategic development. Within the strategic development area, on land within the control of the Consortium, appropriate green infrastructure links will be provided to continue the existing Green Circle. The BHNA strategic development will only be able to support the delivery of the Green Circle on land within the allocated area and that is in the control of the Consortium.

18. In relation to supporting a multi-functional route between Burgess Hill and Haywards Heath, the necessary land falls outside of the BHNA and is not in the Developer’s control. As such the BHNA is not able to support the delivery of a multi-functional route between Burgess Hill and Haywards Heath.

19. The Consortium therefore considers that, notwithstanding other suggested amendments, the following text should be deleted from Policy DP7:

“Support the delivery of a multi-functional route between Burgess Hill and Haywards Heath”

(g) Why is it considered necessary to include a percentage for affordable housing here, if it is to be in accordance with Policy DP29 anyway?

20. The Consortium agrees that it is not necessary to duplicate affordable housing requirements within Policy DP7. Policy DP29 provides a sufficient policy basis for the delivery of affordable housing.

21. The Consortium therefore considers that, notwithstanding other suggested amendments, the following text should be deleted from Policy DP7:

“Provide a range of housing including a minimum of 30% affordable housing, in accordance with policy DP29 Affordable Housing and housing for older people”

(h) What is the evidence to demonstrate that no occupation should take place until “necessary improvements” are made at Goddards Green Waste Water Treatment Works? What are those improvements? Who would pay for them and how? What are the implications of this policy for the timing of delivery?

22. It is the responsibility of the statutory undertaker to facilitate required wastewater sewage infrastructure in accordance with the Water Industry Act. It is assumed that planning applications forming the Burgess Hill Northern Arc will be subject to Grampian conditions requiring necessary improvement works to be agreed in writing with the Local Planning Authority prior to occupation.

Policy DP9: Strategic Allocation to the North and North-West of Burgess Hill

(a) What are the masterplanning steps that need to be taken to ensure the delivery of this site?

23. The Consortium have been working with the Mid Sussex District Council and key stakeholders for a number of years to develop masterplanning proposals for the Burgess Hill Northern Arc including stakeholder workshops held with the Council, West Sussex County Council, Burgess Hill Town Council and others. A Spatial Framework Masterplan has been discussed at length with the Council and it is the intention that this be agreed between the Consortium and the Council in accordance with the aspirations of Policy DP9 and included with the Infrastructure Delivery Strategy (IDS).
24. The Spatial Framework Masterplan (a copy of which is **is appended** to this Statement) has been informed by a range of technical work. Draft planning applications for the sites forming the Northern Arc have been prepared by the respective Consortium members been informed by detailed work on constraints. Draft EIA's have been prepared which include technical chapters on:
- Transport;
 - Landscape and Visual Impact;
 - Ecology;
 - Flood Risk;
 - Noise / Vibration;
 - Air Quality; and,
 - Socio Economic Impact.
25. All planning applications will adopt the Spatial Framework Masterplan as a starting point for developing their respective more detailed site concepts. The masterplan show's an integrated approach to highway alignment, land-use disposition and Green and Blue infrastructure provision.
26. One significant outstanding issue which is crucial to resolve in order to reach agreement on the Spatial Framework Masterplan is the quantum of employment development proposed to the south of the A2300. This has delayed the formal progress of planning application preparation and submission.
27. The Council's current policy position is to allocate employment land south of the A2300. However, the Consortium's position is that residential development south of the A2300 is appropriate, has always been promoted by the Consortium and is deliverable for residential development within an early phase of the Northern Arc as it does not rely upon the implementation of the Northern Arc link road. Furthermore, the Consortium consider that insufficient justification has been provided upon either the required quantum of employment land proposed for Burgess Hill or, more specifically, its allocation in a single large location.
28. This is covered in further detail in response to sub-heading (d) below.

(b) Does the policy adequately address the on- and offsite infrastructure issues, having regard to the Infrastructure Delivery Plan?

29. The Consortium is at an advanced stage in the preparation of an IDS which will identify and govern the delivery of all infrastructure necessary to mitigate the impacts of the strategic development.

30. The preparation of the IDS has been informed by both the Mid Sussex Infrastructure Delivery Plan and the emerging District Plan. As such, the Consortium consider that Policy DP9 adequately addresses the on- and off-site infrastructure issues associated with the BHNA.

(c) What are the potential infrastructure issues that could influence delivery, having regard to any allocation-wide phasing strategy?

31. Timely provision of the Link Road between the A2300 and the A273 is critical to ensure that delivery of the strategic allocation is not held up. The Consortium are seeking partnership working with the HCA to accelerate housing delivery on the BHNA. A delivery model for the Link Road has been presented to the HCA and a response is anticipated in advance of diarised meetings between the Consortium and HCA.
32. As stated at paragraph 22, in relation to Goddards Green Wastewater Treatment Works it is the responsibility of the statutory undertaker to ensure that necessary infrastructure is in place to support planned housing delivery.

(d) Is the requirement for 30ha of land for a business park south of the A2300 justified by the evidence?

33. The principal evidence supporting the quantum of employment land allocation to the North / North West Burgess Hill comprises the Burgess Hill Employment Sites Study (March 2015) – EP36; and he Chilmark Consulting up-date letter – EP36 (i). This evidence draws upon the North West Sussex Economic Growth Assessment (EGA - April 2015) – EP 35.
34. EP 36 (i) states at paragraph 8 that: *'The conclusions drawn (from the Burges Hill Employment Sites Study (March 2015) were intended to identify a realistic range from 25 hectares up to 30 hectares based upon the evidence available and taking into account of helping to meet external employment lands arising outside the District. The conclusion was not intended as a **precise requirement** as it was considered appropriate to ensure **some flexibility** given the NPPF's policies that expect employment land supply to address wider matters than simply a land quantum, **including choice, quality, sectoral-fit/mix of sites..'***
35. EP36 uses, as its basis, the EGA economic growth conclusions, which are themselves, derived from Experian 2013 economic forecasts for the period up to 2031. Section 7 of the EGA considers the future economic growth and employment floor- space requirements for Mid Sussex District. It identifies (paragraph 7.49) a need for 148,250 sq.m of employment floorspace under the baseline job growth scenario, equating to an estimated 30.7 hectares of additional employment land.
36. Paragraph 8.41 of the EGA confirms that when considering available employment space (undeveloped extant allocations / vacant sites and outstanding planning permissions) but excluding emerging allocations in the District Plan, there is, in quantitative terms, a nominal overall shortfall of 0.8 Ha of employment land to support the baseline economic growth assumption. This nominal overall shortfall comprises a small surplus of industrial floorspace and a slightly larger deficit of office floorspace. The EGA does, however identify the fact that there are a range of qualitative requirements that point to the need for **some** new land being made available although this is not quantified.
37. The Council's own Housing and Economic Development Needs Assessment (HEDNA) -EP20- examines the forecast qualitative and quantitative needs for employment as set out in the EGA. At paragraph 5.76 it reiterates the caution as set out in the EGA that although forecasts are recognised as valuable input they tend to be most reliable at national and regional scales and consequently less so at the local level. It goes on to state that the EGA acknowledges that baseline growth scenario within Northern West Sussex exceeds the level of growth recorded within the sub-region in recent years (1997 – 2013). Furthermore, that the contrast is particularly stark with regards to Mid Sussex, with the 2013 baseline economic forecast implying a shift from moderate job losses over the last 16 years to relatively significant job gains over the next 20 years. Meeting this baseline scenario would therefore, in itself, constitute positive planning for growth.

38. It is noted that the Council is clearly cautious about the Experian baseline economic growth forecasts which underpin the EGA. Reference in the HEDNA paragraph 5.77 and 5.78 state, inter alia:

'concern remains about the underlying workforce figures that were fed into the forecast'

'.....the figure in the EGA of 62,155 for the total number of existing jobs in 2013 implied an unrealistic recovery from the 52,000 jobs in 2010...'

'The lack of realism of the Experian-derived projections in the EGA...'

'The Planning Inspector who is currently examining the Horsham Planning Framework has similar misgivings about the forecasts in the EGA...'

39. In summary, the Council's evidence as set out in the EGA to support the forecast level of employment growth for the period up to 2031 within Mid Sussex concludes that in quantitative terms there is a small shortfall of approximately 1Ha. Importantly, the forecast baseline growth scenario, whilst supported by the Council, is treated with considerable caution in terms of its *'lack of realism'*. Whilst not quantified in evidence, there is a qualitative component to the employment equation that, in the conclusions of the EGA, would support additional land allocations.
40. The Burgess Hill Employment Sites Study (EP36) uses the EGA as a baseline document but, importantly, updates the economic forecast using the 2014 Experian data set. This downgrades the baseline economic growth forecast concluding that a baseline land demand figure is approximately 19.5 Ha (EP36 paragraph 3.38 – 3.40) compared to the EGA baseline land demand figure of 30.7 Ha (EP 35 paragraph 7.73). EP 35 applies a sensitivity analysis to this result concluding an overall employment land demand figure of approximately 23 Ha (paragraph 3.46).
41. The study goes further by assessing the impact of Gatwick Airport and, at the time of drafting, uncertainty over expansion decisions. In reviewing impacts, EP36 utilises the assessment undertaken by the Coastal West Sussex Partnership which itself was developed from the base data in the Airports Commission analysis (EP36 paragraph 3.55). What is not made clear is the potential for 'double counting'. Whilst it is accepted that a second runway could impact significantly on the employment dynamics of the sub-regional area, the 'status quo' position at Gatwick should have been incorporated in both the EP35 and EP36 economic forecasts. There has, at this point in time, been no policy drivers to impact upon the base economic forecasting data and it is not clear why a 'Gatwick' uplift has been assumed to the employment land conclusions / recommendations.
42. However, assuming EP36 conclusions regarding Gatwick are taken into account, EP36 concludes that there is a baseline employment land demand in Mid Sussex of 24 Ha (19.5 Ha local growth and 4.7Ha Gatwick). The report concludes that, for planning purposes, a potential employment land demand of between 25 – 30 Ha should be used (paragraph 3.66).
43. In terms of supply the EGA concludes a district wide available supply comprising outstanding planning permissions and undeveloped employment allocations of 29.9 Ha. As acknowledged in EP36 (paragraph 5.11 and 5.12) the EGA included the former Sewage works in Burgess Hill which has now received planning permission for residential (12Ha) but excluded the land at the HUB, which has not received planning permission for employment (15Ha). This results in a net current district wide supply of 32.9 Ha. This results in a current **overprovision of 13.4 Ha against the baseline; and an overprovision of 8.9 Ha against baseline plus Gatwick identified in EP32.**
44. In terms of accommodating Mid Sussex's employment growth it is therefore clear that there is a current surplus against all the scenario's tested in the evidence.
45. The key driver for additional land allocations for employment is therefore related to accommodating 'unmet' employment needs from all adjacent local authority areas with the assumption that this is located at Burgess Hill. Unmet employment need within Adur, Brighton and Hove, Crawley and Horsham is set out in EP32 Table 6.1. This concludes that there is between 72 – 74 Ha of unmet employment need. There is no scientific or evidential basis for distributing this unmet employment need to Mid Sussex. EP 32 paragraph 6.3 – 6.6 establishes: *'a cautious assumption range has been applied which is based upon 25% - 50% of other authorities unmet employment needs.... This suggests that there could potentially be demand for an additional 18 – 37 hectares of employment land in Mid Sussex'*. It should be noted that this approach to accommodating unmet employment

needs of adjacent local planning authorities is inconsistent with the Council's approach to meeting unmet housing need where a far more conservative approach has been taken.

46. Assuming all of the above, the range of additional employment land allocations required to meet unmet need from all the adjacent authorities is between 4.6 Ha and 28.1 Ha.
47. The residual employment allocation within policy DP9 is 15 Ha. Additionally, 30 Ha of land has been identified within the Science Park. 45 Hectares of employment land is therefore envisaged as coming forward at Burgess Hill within the Plan Period.
48. The Strategic Employment Land Availability Assessment (EP38) concludes that there is a potential supply of 77 Ha (paragraph 4.37). Sites assessed are appraised and set out in Appendix 2 and 3 of that document.

Summary

49. There is a current overprovision of employment land against forecast demand to meet future employment growth from within Mid Sussex of between 8.9 – 13.4 Ha.
50. Employment land demand within the evidence base assumes accommodating a wide range (between 25% – 50%) of unmet need from adjacent local authority areas.
51. Even when taking into account adjacent local authorities employment needs there is a significant planned surplus of employment land (remaining 15 Ha at Burgess Hill North North West and the proposed Science Park (30 Ha).
52. The SELAA identifies a pool of sites distributed throughout the Mid Sussex area comprising 77 Ha of suitable land.
53. A reduction IN the employment allocation within the Burgess Hill North / North West development area to 25 Ha (15 Ha consented, 10 Ha residual) would remain in the 'range' identified in EP 36 i. The reduction would not prejudice the business park allocation; nor would it run counter to the evidence base.
54. In retaining the whole area of land to the south of the A2300 for employment, the Council is making a choice to prioritise the safeguarding of land for future employment over the allocation of land for housing in this area.
55. Additional employment land can and should, if necessary, be identified through the Site Allocations Plan using the evidence set out in the SELAA.

(e) Does the policy deal appropriately with the provision of pitches for Gypsies and Travellers? See my comments in relation to Policies DP28 and DP31. Policy DP9 leaves uncertainty as to the number of pitches or amount of land required within the allocation, or any commensurate alternative provision.

56. The Consortium supports the Council's approach of applying a commuted sum payment in lieu of on-site provision. Such a strategy provides more flexibility for the Council to take a pro-active role in supporting the delivery of sites for Gypsies and travellers at a district level. Furthermore, it allows planning applications on the strategic site to progress quickly based upon the current masterplan and infrastructure delivery plan. It is noted that the approach to commuted sums has been adopted within the s.106 agreement relating to the Council's other strategic site at Pease Pottage.

Policy DP18: Securing Infrastructure

This policy seeks tariff-style contributions in residential development. This is potentially contrary to both the CIL Regulations and Planning Practice Guidance. Once the CIL Regulations are in place, CIL will be the main source of funding for community infrastructure, with s106 limited generally to affordable housing and site-specific mitigation. This is adequately reflected in the supporting text, but the policy appears, in the way it is written, to say something different. The Regulations restrict the use of generic section 106 tariffs and contributions may be pooled from no more than 5 separate planning obligations for a specific item of infrastructure. Authorities who refer to generic types of infrastructure in their s106 agreements, rather than specific projects, will be unable to collect more than 5 contributions towards those generic funding pots. The wording of the policy needs to be modified to reflect this.

57. As stated in relation to Policy DP9, the Consortium are at an advanced stage in the preparation of an IDS that identifies and will manage the delivery of all infrastructure and/or financial contributions towards specific infrastructure provision necessary to mitigate the impacts of the BHNA. The Consortium are of the opinion that strategic development at the BHNA should be zero rated in line with the Council's evidence base. A key document of which is the BNP Paribas Community Infrastructure Levy and District Plan Viability Study (July 2016)(EP43) which states on page 4 (final bullet point): *"we recommend that the Council should give careful consideration to the balance between securing the infrastructure requirements identified in policies DP7, DP8 and DP9 through Section 106 and CIL and should consider setting a nil rate for the Burgess Hill and Pease Pottage strategic sites."*

Policy DP24A: Housing Density

58. We note the Inspector's proposal that this policy be deleted and that additional wording be included within Policy DP24 stating: *"optimises the potential of the site to accommodate development"*.
59. With regard to the Burgess Hill Northern Arc initial masterplanning work has identified a range of character areas across the site which would be capable of supporting a wide range of densities and building heights. It is crucial that the emerging proposals are able to be flexible and embrace a "design-led" approach that respects its local context and minimises impacts on its surroundings.
60. Our representation to the Focused Amendments (November 2015) consultation objected to the introduction of Policy DP24a which originally sought the District Plan's strategic allocations to accommodate a net residential density of at least 45 dwellings per hectare.
61. Subsequent to this the Council released its Submission Version District Plan (August 2016) incorporating further proposed modifications which included a reduction in this density target to at least 40 dwellings per hectare for strategic allocations. This proposed modification was supported by the Consortium.
62. However, we further note the Inspector's proposal that this policy be deleted in its entirety given it is contrary to the NPPF. The Consortium confirm that the deletion of this policy would appropriately support the delivery of the Burgess Hill Northern Arc and enable development proposals to take into account the character of the area and site specific conditions to optimise the potential of the site to accommodate development.

Policy DP28: Housing Mix

63. See response above to DP9(e).

Policy DP29: Affordable Housing

64. We note the Council's position that it is not currently pursuing a 40% affordable housing target as set out in the Submission Version District Plan (August 2016) and has instead reverted to the 30% target identified in the Pre-Submission Draft District Plan. We also note the Council's stated intention that it may consider, if it were deemed necessary, raising the percentage of affordable housing on housing sites above the 30% referred to in that policy.

65. Our previous representations and agreed Statement of Common Ground note that the previously proposed increase to the affordable housing target had not been subject to consultation and that there was insufficient detail/legislation for the Consortium to establish agreement/disagreement with the Council on the issue.
66. We further object to the possibility that the affordable housing target may be revisited in the future given that at present there is not a sufficient evidence base to support such a change through the current Examination process into the District Plan.