

**MID SUSSEX DISTRICT PLAN 2015  
AND FOCUSED AMENDMENTS 2016  
EXAMINATION**

**TECHNICAL HOUSING MATTERS SESSION  
NOVEMBER / DECEMBER 2016**

**HEARING STATEMENT IN RESPONSE TO  
INSPECTORS QUESTIONS**

**BY**

**RYDON HOMES LIMITED**



## **1.0 INTRODUCTION**

- 1.1 Rydon Homes Ltd made representations in response to consultations on the Pre-Submission plan and the Focussed Amendments.
- 1.2 In summary their concerns about the soundness of the Plan related to:
  - the overall level of housing provision – under provision against the OAN
  - the housing trajectory – overly optimistic
  - the reliance on saved Local Plan allocations that have not been implemented – they need to be re-visited
  - the scale of housing proposal at Pease Pottage – too great and unsustainable location
  - the need to clarify that Neighbourhood Plans play an important part in strategic housing delivery and that the total number of dwellings expected from this source needs to be revised and structured in the light of revised OAN totals.
  - increasing the threshold for the provision of affordable housing to schemes of 10 units and over to accord with Government policy
  - Removing prescriptive density figures
  - Questioning the categorisation of high quality agricultural land as a primary constraint – inconsistent with current Government policy.
- 1.3 The Focussed Amendments and Further modifications have not fully addressed these issues and, as a result, the Plan remains unsound.
- 1.4 Representations on matters such as the Evidence Base, Calculations of the OAN, Unmet need, Affordable Housing, Market deliverability and past under-delivery are made on Rydon's behalf by the Developers Forum and representatives of the Burgess Hill Northern Arc Consortium of which they form part. These representations are agreed but are not repeated here.
- 1.5 This statement in response to the Inspector's questions is therefore limited to Inspector Questions 8, 9 and 10.

## **2.0 INSPECTOR'S QUESTIONS 8 – Site Selection and Housing Distribution**

### **2.1 Question 8.1 Are the methodologies described in the Strategic Site Selection Paper and the SHLAA sound?**

No. The “bottom up” approach does not secure the necessary balance between supporting the concept of location and the delivery of the number of houses necessary to meet OAN. The strategy of identifying strategic sites (500+ dwellings) now, non-strategic sites in Neighbourhood Plans and then addressing any shortfall in due course in the forthcoming Site Allocations DPD is flawed in two main respects. Firstly strategic sites of over 500 dwellings are characteristically slow to come forward due to infrastructure inertia and therefore should be assumed to be making their maximum delivery rates towards the end of the plan period. Small to medium sites which are more easily delivered quickly, should be expected to contribute mainly during the early part of the plan period and should be identified at the outset of the plan period rather than in the middle to end of it. Secondly it is the role of the District Council to ensure that provision is made to achieve OAN housing requirements in full and they should provide guidance to Neighbourhood Plan groups upon the amount of housing that is required to achieve this. The Neighbourhood Plans can then identify the locally preferable sites where the required level of housing can be accommodated. The strategy of addressing strategic shortfalls through a Site Allocations DPD prepared midway through the Plan-period and potentially imposing new housing allocations on settlements post adoption of their Neighbourhood Plan is contrary to the interests of steady levels of housing delivery across the plan period and potentially undermines the confidence of local communities in their new powers of involvement through localism. The OAN housing requirement and the method and rate of delivery need to be established at the outset of the plan period and need to be supported by a clear structure for delivery at all levels so that implementation can be monitored and tested against expectations at any point. Neighbourhood Plan makers cannot be expected to select their own shares of Districtwide housing provision and therefore specific guidance is required. This also allows the performance of Neighbourhood Plans to be tested through the development management process, which is a more immediate, effective and flexible way of dealing with shortfalls. A Site Allocations DPD is ponderous, should be prepared simultaneously with the Strategic Plan and only really has a role in providing housing allocations at those settlements where no Neighbourhood Plan is being prepared. In Mid-Sussex District most of the key settlements where strategic housing numbers will mainly be directed, have Neighbourhood Plans completed or in preparation.

**2.2 Question 8.2 – Is there any value in the concept of ‘environmental capacity’ and the ‘tipping point’ in the context of the whole district? What would the environmental implications be of raising the housing requirement? How far have the SHLAA and site selection methodologies taken into account the ability of development impacts to be mitigated through local landscape and infrastructure measures?**

No. Suggestions that the UK, Regions, Districts or individual settlements are “full up” are greatly exaggerated and cannot be justified by objective evidence. There is therefore no justifiable concept of a “tipping point” beyond which no further built development can be accommodated. The correct approach is to balance the objectives of meeting housing, employment and other built development needs with the protection of the environment through the judicious location and form of development and to maximise the mitigation of local impacts upon the national and social environment. There may be areas of special sensitivity – such as in National Parks, where the balance needs to be more carefully addressed in order to protect special character. However, most of Mid Sussex District is not subject to such over-riding constraints and the SHLAA exercise has shown that there is considerable potential to meet housing needs on sites that are developable, in a suitable location, available and could be viably developed at the point envisaged. This, one-off exercise, also does not represent a capacity limit because it has involved subjective evaluations and has only addressed sites identified for consideration at this time. It cannot therefore represent the total number of sites that are potentially suitable and available to meet future needs. The SHLAA and SA exercises can, by definition, only assess sites at a very general and superficial level and therefore cannot realistically assess the potential for impacts to be clarified, addressed by scheme design or mitigated by landscape and infrastructure measures. It can therefore only be a very high level first stage sieve. In the opinion of Rydon Homes, the assessment has been applied quite rigorously in this case and should not be regarded as a reliable indication of total capacity.

**2.3 Question 8.3 To what extent is the Sustainability Appraisal preferred option (*Focus development within or adjacent to Burgess Hill, East Grinstead and Haywards Heath, but encourage both larger villages and smaller villages to take growth to support the provision of additional services and meet local needs*) reflected in the distribution of strategic allocations and the overall spatial strategy of the submitted plan?**

Rydon Homes Ltd support the preferred option of focussing development within or adjacent to the three main towns but also directing some growth to the larger villages. Growth in the smaller villages should be limited due to their inherent lack of sustainability. This is the hierarchy upon which successive Local Plans in Mid-Sussex have been based over many years. Larger villages can accept some growth beyond local needs alone and

therefore should accommodate a level of strategic growth that is appropriate to their individual characteristics, level of sustainability and existing and potential level of services/local infrastructure. It is a function of the District Plan to provide a settlement hierarchy and to distribute strategic housing requirements in the most appropriate, effective and sustainable way to settlements within that hierarchy. The SA does not directly bear upon this because it focuses upon the main policy options across the whole plan. Policy DP6 sets out the Settlement Hierarchy into 5 categories of settlement and Rydon have no disagreement with these categorisations although Hassocks has a main line railway station and therefore might justify a higher categorisation than some of the other Category 2 settlements. There is, however, no direct connection between Policy DP6, Settlement Hierarchy and Policy DP5, Housing which sets out the Spatial Strategy

- a) Strategic housing provision is heavily weighted towards Burgess Hill with no specific provision directed to the other two main towns of East Grinstead and Haywards Heath.
- b) A strategic allocation is proposed at Pease Pottage which is a Category 3 settlement with very limited services and an unsustainable location for new strategic housing allocations.
- c) No structured guidance is provided as to how the 2262 "Elsewhere" figure should be distributed across the District.

It must be concluded that the SA preferred option which closely reflects the existing settlement hierarchy is not reflected in the distribution of the two strategic housing allocations and due to the lack of guidance on the distribution of the "elsewhere" figure it is not possible to judge whether the overall spatial strategy will follow the SA preferred option or not.

#### **2.4 Question 8.4 Can the allocation of the Pease Pottage site be reconciled with the SA and SHLAA findings? How is the site expected to relate to Crawley in terms of connectivity?**

Rydon do not consider that the introduction of a site on this scale and in this location is an appropriate response to the inadequacy of the housing provision in the Submission Plan.

The Pease Pottage site was ranked negatively in the Pre-Submission Sustainability Appraisal submitted in June 2015 and again, although to a slightly lesser extent, in the November 2015 Sustainability Appraisal, primarily focusing on the poor sustainability of the site and its relation to existing facilities. The only difference between the two SA's relates to the delivery of a primary school at the site which improves sustainability and the delivery of a Hospice which improves the availability of health facilities although this type of facility is for palliative care for cancer patients only and does not provide the

primary and secondary health services that are more generally required. Both Sustainability Appraisals state the following – *"Option (k), (l), (m the site in question), (n) and (o) are all considered to be available within the SHLAA and could contribute towards meeting housing need at a small scale, however they are not considered to be suitable. This is reflected in other objectives within this appraisal"*. Thus, the site is negatively assessed in the SA and we question how the Council can now state that the site meets all the District Plan objectives.

The range of size and location of sites proposed in the Plan is unbalanced. The reliance on a very large site at Burgess Hill itself puts the delivery of housing at risk due to the need for phasing, provision of infrastructure and local market demand. To balance this and to ensure delivery, the other housing sites should be small/medium sized and located across the District to optimise choice of affordable housing. To bring forward a single site for 600 dwellings in an unsustainable location and where significant infrastructure will be required from the outset, is the wrong response to the situation. It will only serve to frustrate the early delivery of housing, the opportunity for choice of location and the meeting of local housing needs that are dependent on cross-subsidy housing to provide affordable social housing.

**2.5 Question 8.5 Does the Plan need an expressly stated spatial strategy for the District with target figures for each area to provide guidance for neighbourhood plans and for any future site allocations plan? What are the implications of not having such a strategy?**

Yes. As stated in response to previous questions the "Elsewhere" figure is too unspecific, makes life difficult for those preparing Neighbourhood Plans and does not guarantee an end situation that conforms to the overall spatial strategy based upon the settlement hierarchy set out in Policy DP6. The windfall allowance is similarly imprecise about location meaning that 2712 (40%) of the total 6812 remaining dwellings on sites to be identified are not directed to any specific settlement or location. This figure will increase because a significant increase in overall housing provision is required to meet OAN in full. To ensure delivery, these additional dwellings should not be added to the Burgess Hill Northern Arc or Pease Pottage strategic allocations which are already subject to delays due to infrastructure inertia. Any increase in numbers would only serve to exacerbate the problem. Therefore additional housing numbers can only realistically be achieved within the "elsewhere" category. Rydon's experience of the Neighbourhood Plans to date is that local communities seek guidance from the District Council as to the level of housing provision that is expected from them and that generally, although often reluctantly, these figures are accepted as the basis for their Plan. However there are no Neighbourhood Plans that do anything other than to seek to minimise the number of new dwellings that they have to provide. There is also considerable uncertainty about these figures. For example the figure at Hassocks has varied from over 600 to just over 200 dwellings as the

Neighbourhood Plan process has progressed. This does not assist meaningful local decisions upon the number and location of new housing allocations that they need to identify. Furthermore, if it ultimately proves to be the case that more housing numbers have to be found and/or there is no five year housing land supply, then the Neighbourhood Plan will be rendered out of date, additional sites may be released through development management or the Site Allocation Plan and local confidence in Neighbourhood Plans is undermined. Alternatively if Neighbourhood Plans are regarded by the Secretary of State to be inviolate then the objective of meeting OAN across the District will not be achieved. There is therefore a compelling argument for the District Plan to provide target figures for at least each of the Category 1 and 2 settlements which will provide the necessary certainty for the preparation of emerging Neighbourhood Plans or the review of adopted Plans and a means of testing their delivery performance. Monitoring can therefore identify any delivery shortfalls – something it could only do in an overall and very generalised fashion in relation to the “elsewhere” figure in Policy DP5 as currently drafted. Corrective action, focused on the individual locations where the delivery failure has occurred, can then be taken through development management decisions or the Site Allocations Plan. Without such targets the delivery of the housing policy DP5 will be put seriously at risk.

### **3.0 QUESTION 9 – Trajectories**

#### **3.1 Question 9.1 What are the housing delivery trajectories overall and a reasonable estimate from the neighbourhood plans?**

The Council's housing trajectories are considered to be unrealistic, particularly in respect of:-

- (a) Completions from the strategic sites in the early part of the plan period. Planning and infrastructure inertia will delay completions on those sites beyond the dates anticipated by the Council's trajectories.
- (b) A number of the sites in the Trajectory, including unimplemented Local Plan allocations, show no signs of coming forward because of longstanding delivery constraints. An element of the Trajectory is therefore not deliverable.
- (c) The concentration of housing numbers at only two market areas with limited choice of location for prospective occupiers of new housing in the District. This will create localised surpluses and shortages that distort the natural form of market demand

On the other hand in most of the towns and villages delivery from small/medium sites in Neighbourhood Plans has preceded or quickly followed the making of the Plans confirming the strength of the local market demand and the effectiveness of delivery of housing from settlements outside the main strategic site locations. This confirms that the overall spatial strategy of the submission plan is likely to constrain the ability of the market to deliver housing.

#### **3.2 Question 9.2 What are the reasons for the proposed timing of the site allocations plan?**

This is a question for the Council but the Rydon view is that the Site Allocations Plan should be contemporaneous with the District Plan and will probably be a relatively meaningless exercise if it follows the current timescale and is not able to revisit OAN.



#### **4.0 QUESTION 10 – Five Year Housing Land Supply**

##### **4.1 Questions 10.1 – 10.5 Given the advice in the PPG, what reason does the Council have for favouring the Liverpool methodology? What is a realistic estimate for the contribution from deliverable sites in the next 5 years? What is the level of under-provision from the start date of 2014? With regard to the “buffer”, what is the District’s record of housing provision over the economic cycle? Having regard to the above, what is the 5 year housing supply using the Sedgefield methodology?**

In these representations Rydon rely upon the specific calculations of others but they do consider that the Sedgefield approach should be adopted in the calculation because there has been persistent under-delivery, meaning that there is a clear suppressed demand and the current shortfall needs to be addressed now rather than over the period of the plan. There is therefore an urgent need for the release of small to medium sized housing sites that are not subject to infrastructure or other delivery constraints and that can collectively deliver significant numbers of houses in a variety of locations. This is the most effective way of addressing the problem.

##### **4.2 Question 10.6 – Will the plan’s strategic allocations and policies, together with allocations from neighbourhood plans and any future site allocations plan, ensure that sufficient sites are available for a 5 year supply of deliverable land to be maintained in the future? What adjustments might be made to the plan to ensure a reliable supply?**

Neighbourhood Plans have been made or are in the course of preparation. There is already an undershoot of some 523 on the “elsewhere” figure in Policy DP5. This could be larger due to possible double counting by the Council in their calculations (Note TP1 Paragraph 4.32) and based on the figures in the Housing Implementation Plan. There is no “over-provision” or flexibility to accommodate the increased housing numbers that are required in order to meet OAN in full. The Council’s expectations of delivery from the strategic allocations is unrealistic. For these reasons the current shortfall in the 5 year supply of deliverable sites is likely to persist for a considerable period of time. The only way to address it is through the early release of more small to medium sites that can be started quickly and are generally unconstrained. The District Plan needs to facilitate this through the remaining emerging Neighbourhood Plans and by early revision of the made plans. Also sites must be released through the development management process. The site allocations plan is likely to be too ponderous to be effective in this respect.

**SIGMA PLANNING SERVICES**  
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