

Our Ref: PD/1709
Council Ref:



Mr. Jonathan Bore
C/o
Ms. Pauline Butcher
Program Officer
260 Collingwood Road
Sutton
Surrey
SM1 2NX

7th November 2016

Dear Mr. Bore,

**Examination into the soundness of the Mid Sussex District Plan 2014-2031
Housing Matters
Land at Ansty Farm, Ansty, West Sussex**

I write on behalf of my client Norris Farms Partnership in relation to the Questions for Examination pertaining to Housing Matters. We would like the opportunity to attend the Examination and expand on these points orally if this is deemed appropriate. Please note, we have deliberately not answered all of the questions set by the Inspector and in reference to those questions not answered we would be grateful if the Inspector would have regard to our initial representations dated 24th July 2015 as appropriate.

3. The Duty to Co-operate

3.1 Can it be demonstrated that active co-operation has taken place on strategic cross boundary issues, especially in respect of the assessment of wider and unmet housing need?

In its response to the Inspector's Initial Questions the Council suggests it has "*maintained a constructive dialogue with Brighton*". It is difficult to see how this dialogue has been constructive as no positive outcomes have been achieved in terms of meeting a portion (or even identifying a portion to be met) of Brighton and Hove City Council's unmet housing need.

The Council confirm that the unmet need in the two housing market areas that Mid Sussex District is influenced by is over 37,000. Their contention that the need is so large that it seems unlikely Mid Sussex District alone could meet this need may well be true, however this should not absolve the Council from determining a level of need that could be met or at the very least determining how much of their unmet need neighbouring Authorities believe Mid Sussex District could / should accommodate.

The Council's strategy appears to be to continue talking about the issue and address it "*at a later date*". The NPPG states:

"Cooperation between local planning authorities, county councils and other public bodies should produce effective policies on strategic cross boundary matters. Inspectors testing compliance with the duty at examination will assess the outcomes of cooperation and not just whether local planning authorities have approached others." Paragraph: 010 Reference ID: 9-010-20140306

We would suggest that given the PPG's emphasis on positive outcome if sufficient active co-operation has taken place on strategic cross boundary issues then it has failed to yield acceptable outcomes.

4. Unmet need

4.1 What factors should determine the amount of provision that should be made in Mid Sussex to accommodate the unmet needs of other authorities, notably Brighton and Hove, and Crawley?

The availability of land in suitable locations geographically to meet the need is a key consideration. In this respect we agree with the Council's comments made in the Strategic Site Selection Paper (August 2016) that our client's land at Ansty would be suitably located. It confirms:

"Due to the size and location of this site, it is likely to contribute towards the unmet needs of Crawley and Brighton & Hove"

From this point, the Council should then look towards land that is not part of the Area of Outstanding Natural Beauty, which the land at Ansty Farm is not unlike the site put forward by the Council at Pease Pottage.

It is therefore apparent that the Council have geographically suitable land available but have made no attempt to proactively work with the owners of this land to bring forward solutions to the issues it cites, notably transport, flood risk, landscape impact and the presence of ancient woodland.

4.2 What calculations have taken place on a cross-boundary basis to arrive at that provision?

On page 5 of its response to the Inspector's Initial Questions the Council indicates:

"None of this analysis really provides a firm basis for estimating a precise number for Mid Sussex, and I am not sure one can ever exist."

It does not appear that this topic has been broached by the co-operating authorities which as we have canvassed above in answer to 3.1 it should have been.

5. Affordable housing

5.1 Will the housing requirement be sufficient to ensure that the District's affordable housing needs are met?

The affordable housing need will not be met to a large degree. This will have a substantial negative social impact. The West Sussex Strategic Housing Market Assessment (2009) estimates that the net annual housing need in Mid Sussex is between 357 and 477 households. This has been revised by the Northern West Sussex HMA – Affordable Housing Needs Update (October 2014). This document puts the range of affordable housing need at 116 – 474 dwellings per annum. It seems unlikely that the true affordable housing need is anywhere near the lower end of this scale. The Council's strategy would deliver 302 affordable dwellings per annum, this is well below even the lowest estimate in the 2009 SHMA and broadly at the mid-point of the Northern West Sussex HMA – Affordable Housing Needs Update.

6. The ability of the market to deliver

6.1 Can the market deliver the requirement set out in the submitted plan? What would be the implications of a higher housing requirement for market deliverability?

The Council seek to rely on historic delivery rates to justify an inadequate level housing provision. The market craves certainty. It is inappropriate to cite the absence of a five year housing land supply creating something of a "free for all" in an attempt reduce the amount of housing that could be delivered.

Developers and land owners should not be criticised for craving a plan led system and the certainty that allocations create prior to committing substantial resources to a planning application.

A higher housing target is deliverable within the market proving the Council create the certainty for it to be brought forward.

7. Past under-delivery

7.1 Should the housing requirement be adjusted to compensate for a degree of under-provision against the South East Plan prior to 2014?

Yes. Some of the evidence base that informed the preparation of the South East Plan is now aging however much of it remains overtly relevant. Demographics and the economic climate may have altered but protected landscapes, Sites of Special Scientific Interest (SSSI's), transport infrastructure and many other elements have remained the same. The South East Plan was examined extensively and found sound following these examinations. To adopt a housing target lower than it advocated and to do nothing to meet the historic backlog the absence of major allocations in an up to date local plan has created would be an affront to common sense.

8. Site selection and housing distribution

8.1 Are the methodologies described in the Strategic Site Selection Paper and the SHLAA sound?

The methodologies are not in and of themselves completely unsound. The way in which the Council has negatively applied them is the primary issue with the Strategic Site Selection Paper and the SHLAA. The Council have not taken a positive and proactive approach to the assessment of SHLAA sites. Please refer to our previous representations.

8.2 Is there any value in the concept of 'environmental capacity' and the 'tipping point' in the context of the whole district? Will the district's environmental constraints make the housing requirement undeliverable? 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?

There is no absolute environmental capacity and therefore no value in this concept. At present the Council have the equivalent of a wonky three legged stool. The environmental leg is too long and skews the plan in favour of this objective at the detriment of social and economic objectives.

The correct approach is to find a balance between the three elements of sustainable development, social, economic and environmental. The Council has thus far failed to do this.

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?

There is difficulty reconciling the SA and SHLAA findings with the Pease Pottage allocation for 600 units. However, we have difficulty with the SA and SHLAA so would not presume that the findings in these documents are necessarily correct.

Of greater concern, it would appear that the Council has not adequately considered if the allocation meets the tests of paragraph 116 of the Framework, notably the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way.

The availability of our client's land at Ansty Farm (outside of the AONB) could fulfil much the same purpose but outside of a designated area.

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. Please refer to our representations dated 24th July 2015.

The Council's rationale for not having this is difficult to fathom. The result of the Council's approach will be that Neighbourhood Plans make the bare minimum (or even under provision) against what the Council believes be its OAN. The Steering Groups and local residents will then be disappointed when the Council is forced to prepare its own Site Allocations DPD to mop up the shortfall. This will damage enthusiasm for Neighbourhood Planning and Localism far more than equipping the Steering Groups with an accurate and realistic housing target and allowing them to formulate Plans with this information to hand.

Yours sincerely

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