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23789/A3/CO/ef

7th November, 2016

Dear Pauline,

EXAMINATION STATEMENT RELATING TO HOUSING MATTERS FOR MID SUSSEX DISTRICT PLAN 2014-2031 ON BEHALF OF HALLAM LAND MANAGEMENT LTD.

We write on behalf of our client, Hallam Land Management Ltd. (HLM), in response to the Inspector's questions relating to Housing matters for the Mid Sussex District Plan 2014-2031. Our client has interest in Land at Warren Cottage Fields in Handcross (the 'Site'), which they are promoting for a residential-led development.

Hallam Land Management Ltd. are a member of the Mid Sussex Developers Forum (the Forum). We have contributed to, and support, the points raised in the Statement submitted on behalf of the Forum. Therefore, this Statement only provides a response to questions not being addressed by the Forum's Statement. For clarity, the Forum Statement will be providing a response to questions: 1, 2, 3, 4, 5, 6, 7, 8.2, 8.5, 9.2 and 10. This statement will therefore cover questions: 8.1, 8.3, 8.4 and 9.1.

In light of these representations, it is considered that under paragraph 182 of the NPPF, the Mid Sussex District Plan is currently unsound as they are;

- Not positively prepared – the strategy fails to meet objectively assessed need and fails to adequately address the unmet need arising from neighbouring authorities;
- Not justified – the Plan is neither the most appropriate strategy nor is it prepared based on adequate evidence;
- Not effective – the Plan does not demonstrate effective policies in relation to the requirements of national policy to significantly boost housing supply and is silent in relation to how and where the need deferred to other plans will be met; and
- Not consistent – the Plan fails to accord with the principles and requirements of the NPPF.



Throughout our Statement we have proposed actions and associated modifications that we consider would make the plan sound in relation to housing matters. We would like to participate in the examination hearings scheduled to open on Tuesday 29 November to discuss these matters.

Should you have any questions or wish to discuss our Statement further then please do not hesitate to contact the writer.

Yours sincerely,



CAROLYN ORGAN
Planning Associate

Encs.

Cc: C. Penny - Hallam Land Management (by email only)

Examination Statement - Housing

Mid Sussex District Plan 2014-2031
on behalf of Hallam Land Management Ltd.

November 2016

Examination Statement on Housing Matters
for the
Examination into the soundness of the Mid Sussex District Plan 2014-2031
on behalf of Hallam Land Management

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1.0. INTRODUCTION

- 1.1. This statement has been prepared by Barton Willmore LLP on behalf of Hallam Land Management Ltd. who have land interests at Handcross. Notwithstanding our Client's specific land interests, these representations have been prepared in recognition of prevailing planning policy and guidance – in particular Government guidance as set out in the National Planning Policy Framework (NPPF, March 2013) and relevant guidance as set out in the National Planning Practice Guidance (PPG).
- 1.2. Hallam Land Management Ltd. is a member of the Mid Sussex Developers Forum (the Forum). We have contributed to, and support, the points raised in the Statement submitted on behalf of the Forum. Therefore, this Statement only provides a response to questions not being addressed by the Forum's Statement. For clarity, the Forum Statement will be providing a response to questions: 1, 2, 3, 4, 5, 6, 7, 8.2, 8.5, 9.2 and 10. This statement will cover questions: 8.1, 8.3, 8.4 and 9.1.
- 1.3. These representations will provide a response to the questions asked in light of the soundness requirements set out in Paragraph 182 of the NPPF which requires that a plan be:
- **Positively prepared** – the plan should be prepared based on a strategy that meets objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where reasonable;
 - **Justified** – the plan should be the most appropriate strategy based on proportionate evidence;
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the NPPF.

2.0 QUESTION 8.1 - ARE THE METHODOLOGIES DESCRIBED IN THE STRATEGIC SITE SELECTION PAPER AND THE STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT (SHLAA) SOUND?

2.1. We consider the methodologies described in the SHLAA and the Strategic Site Selection Paper not be sound.

2.2. The Planning Practice Guidance is clear that these assessments should be proactive in identifying as wide a range as possible of sites and broad locations for development. It goes onto highlight that:

“Plan makers should not simply rely on sites that they have been informed about but actively identify sites through the desktop review process that may have a part to play in meeting the development needs of an area.”

(Paragraph: 011 Reference ID: 3-011-20140306)

2.3. It is evident that the approach in the Mid Sussex District Council (MSDC) SHLAA has not been comprehensive. There are sites that are now being recommended for planning approval by officers of the Council, which were either not assessed at all in the SHLAA, were excluded from further assessment or were considered unsuitable or undevelopable.

2.4. The SHLAA has been overly restrictive when identifying sites for assessment. It is too reliant on existing data sources and sites submitted to the Council identifying sites to assess. In our opinion, all sites that are adjacent to settlements should have been assessed even if it was found they were unsuitable. However, there are a number of sites that have not been assessed at all despite being well related to settlements.

2.5. 161 sites were not considered developable in the SHLAA. Some of these were considered unsuitable but many were not considered developable as they were not submitted to the Council. Although the SHLAA report has been updated, the last Call for Sites exercise was undertaken in 2014. The potential for the situation to have changed is significant.

2.6. A number of sites have been highlighted as unsuitable due to existing policy constraints, potential access issues or landscape sensitivity and there is often potential for these to be mitigated. The Council has also attributed too much weight to local and secondary designations. This seems insufficient to exclude sites from further consideration. The PPG states that:

“Where constraints have been identified, the assessment should consider what action would be needed to remove them (along with when and how this could be undertaken and the likelihood of sites/broad locations being delivered). Actions might include the need for investment in new infrastructure, dealing with fragmented land ownership, environmental improvement, or a need to review development plan policy,

which is currently constraining development.”

- 2.7. This has not been done in the MSDC SHLAA. Therefore the conclusions about capacity is significantly underestimated.
- 2.8. To highlight some of these issues we looked to a single parish, Haywards Heath, where our client is not currently promoting land, to identify some examples. There are a number of white areas on the SHLAA maps for Haywards Heath that were not assessed. These areas are adjacent to the settlement and could easily have a capacity of over 6 dwellings. There are also a significant number of sites considered 'not currently developable' as they were considered 'unsuitable' and therefore not considered in the capacity assessments. A number of the conclusions of suitability were based on existing policy constraints that could be reviewed. Some are listed as 'not currently developable' because they were not promoted in the SHLAA and therefore not considered further.
- 2.9. We found on a high level search, examples of sites that were not assessed in the SHLAA or were considered unsuitable that have now come forward as applications. One example of a site that was not assessed in the SHLAA, despite it being immediately adjacent to an existing settlement, was Land off Greenhill Way, Haywards Heath. This site was brought forward as a planning application in January 2016 and was granted planning permission by the Council in August 2016 (application ref. DM/16/0402). Another example, is Land at Rogers Farm Fox Hill Haywards Heath, which was not assessed in the SHLAA. The site lies to the south of Haywards Heath and has a live application for 37 dwellings under consideration by the Council (application reference: DM/16/3998).
- 2.10. The restrictive approach taken in the SHLAA is also evident in the assessment of our client's site in Handcross, which was considered by the SHLAA to be 'not currently developable' because it was considered to be unsuitable and unavailable (site reference 181). The SHLAA assessment concluded that the site represented a large scale extension of the built up area boundary into attractive AONB landscape. However, the site is well contained in the landscape and there are a number of options for mitigating potential impacts. The Council has no landscape evidence to support this assertion as it was not assessed in the Review of Landscape and Visual Aspects of Site Suitability undertaken by Land Use Consultants (LUC). The conclusion that the site was unavailable is also inconsistent. Our client submitted the site, as part of the call for sites in 2014, demonstrating that there was a willing landowner and the site was being actively promoted for development.
- 2.11. We think the SHLAA should be revisited to properly accord with national guidance so that the risk of eliminating eligible sites is reduced.

3.0. 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?

3.1. We have no specific comments to make in relation to this question.

4.0. QUESTION 8.3 - TO WHAT EXTENT IS THE SUSTAINABILITY APPRAISAL PREFERRED OPTION REFLECTED IN THE DISTRIBUTION OF STRATEGIC ALLOCATIONS AND THE OVERALL SPATIAL STRATEGY OF THE SUBMITTED PLAN?

- 4.1. The District Plan fails to ensure the delivery of the preferred spatial strategy identified in the SA. It fails to encourage larger and smaller villages to take growth to support the provision of additional services and meet local needs. It also does not allocate sufficient sites to ensure the OAN for the district will be met and does not address unmet needs.
- 4.2. The plan should be allocating growth to these larger and smaller villages now. At present, no allocations are made by the plan to these locations and there is no guidance or minimum targets to ensure that the numbers are spread appropriately to support the provision of services and meet needs. There may also be capacity at Burgess Hill, East Grinstead and Haywards Heath to take additional allocations to meet housing needs through the District Plan. The Plan is too reliant on a small number of allocations and Neighbourhood Plans. This has in part been caused by the arbitrary threshold put in place by MSDC for strategic allocations, which is not justified and results in an ineffective plan.
- 4.3. We consider that housing needs left over to other plans should be kept to a minimum. There is an acute housing need in the district and wider HMA and back loading the delivery of need will perpetuate the issues. As raised in the Forum's Statement we consider the needs of the district to have been underestimated in the Plan's evidence. We also think that the plan does not adequately accommodate unmet housing needs. These are strategic issues that must be addressed in the District Plan and not left over to be addressed later. We acknowledge the need to encourage neighbourhood plans but this does not justify deferring strategic levels of housing to them and undermining the effectiveness of the District Plan as a whole. We consider the definition of strategic sites to be arbitrary and unjustified. This is making the District Plan unnecessarily narrow in its scope of allocations.
- 4.4. The plan provides no guidance to how or where the unallocated need should be met. Without the guidance the development plan will remain 'silent' in terms of paragraph 14 of how and where a significant proportion of housing will be delivered. This is a major soundness issue and will make the plan ineffective almost from the outset. In addition, without the guidance there is no certainty as to when the housing need will be met or whether sufficient housing will come forward to ensure a rolling five year land supply is maintained.
- 4.5. It will also cause issues for the progression of Neighbourhood Development Plans. Without the guidance it is difficult to establish whether there is general conformity with the strategic District Plan. If there is no guidance and a larger village comes forward with a proposal for a very small number how can an examiner test whether it is in general conformity with the District Plan?

- 4.6. It will also introduce unnecessary challenges for Neighbourhood Plan evidence. Neighbourhood Plans will need to test their environmental impact and cumulative effects through Strategic Environmental Assessments. In a situation where they have no guidance or clarity about what neighbouring parishes are expected to do as a minimum this becomes unnecessarily challenging.
- 4.7. In order to address the points raised, the Council needs to reduce significantly the proportion of housing need deferred to other plans by allocating more sites in the District Plan. The District Plan should also be amended to provide guidance and minimum targets for how, any need that is left over, is to be distributed.

5.0. QUESTION 9.1 - WHAT ARE THE HOUSING DELIVERY TRAJECTORIES OVERALL AND A REASONABLE ESTIMATE FROM THE NEIGHBOURHOOD PLANS?

- 5.1. As discussed as part of question 8.3, while we support the notion that communities should be empowered to encourage growth in their area, we are sceptical of MSDC's reliance on communities bringing forward development to meet the district's needs. Indeed, it is typical in most instances for local plans to provide a growth framework for Neighbourhood Plans in the form of a housing target for each parish. In such circumstances, Parish Councils are provided with certainty over their housing requirement to be met through the plan knowing this has been tested at a higher level (in terms of cumulative and strategic environmental impacts). As mentioned above, a lack of certainty in evidence at a strategic level can hamper the speed at which neighbourhood plans can progress, as the onus is placed on the (often) inexperienced communities to demonstrate that growth is acceptable.
- 5.2. Given the complexities surrounding technical evidence, it would not be surprising if most communities simply refused to engage in preparing a plan where they were being asked to consider the cumulative impacts of their agenda across the district (particular for transport and education matters).
- 5.3. Across the country, neighbourhood planning take up has been slower than that predicted by DCLG. The table below, taken from academic research by the University of Reading demonstrates that both take up, and completions of neighbourhood plans has been drastically lower than expectations of government. Against this pessimistic national background, the onus should be on MSDC to demonstrate how reliance on neighbourhood plans to deliver strategic growth in the plan period would lead to the delivery of new homes. We consider the evidence presented by MSDC to be inadequate in this regard.

Neighbourhood plan activity	DCLG Forecast Take-up-Up	Actual NP Take Up	Number of NPs to referendum
Spring 2013	762	511	1
Spring 2014	1143	1000	8
Spring 2015	1524	1400	60
Summer 2015	n/a	1500	80

Source: <http://centaur.reading.ac.uk/43545/7/wp0615.pdf> Working Paper in Real Estate and Planning September 2015 'The take up of neighbourhood planning in England 2011 – 2015' G. Parker (University of Reading)

- 5.4. According to the MSDC website, there are 13 made Neighbourhood Plans and 6 in preparation. Not all of the plans have allocated or propose to allocate housing sites. The made plans have taken an average of 3.4 years to progress from the areas designation stage to being made. The plans that are still in progress have been in progress for an average of 4.5 years. This is shown in the table below. Of the residual sites to be found

in Neighbourhood Plans, the Council's housing trajectory assumes that from 2021 between 194 and 210 homes per year will be completed. Given these trends for developing Neighbourhood Plans the assumed delivery rates seem high.

Parish	Area Designation	Status	Date made	Total time passed (months)
Ashurst Wood	Apr-12	Made	Jun-16	50
Twineham	Apr-12	Made	Apr-16	48
Bolney	May-13	Made	Sep-16	40
Cuckfield	Apr-12	Made	Oct-14	30
Lindfield Rural	Apr-12	Made	Mar-15	35
Turners Hill	Apr-12	Made	Mar-15	35
Albourne	May-12	Made	Sep-16	52
Ardingly	May-12	Made	Mar-15	34
Balcombe	May-12	Made	Sep-16	52
Burgess Hill	May-12	Made	Jan-16	44
Hurstpierpoint & Sayers Common	May-12	Made	Mar-15	34
West Hoathly	May-12	Made	Apr-15	35
Crawley Down	Jul-12	Made	Jan-16	42
Average no of months				41
Average number of years				3.4

Parish	Area Designation application	Status	Total time passed (months)
Ashurst Wood	Jul-12	Examiner report received October 2016	52
Copthorne – Worth	Apr-12	Early stages – no formal consultation completed.	55
East Grinstead	May-12	Referendum - October 2016	54
Haywards Heath	May-12	Referendum - December 2016	54
Hassocks	Apr-12	Regulation 16 submission – June 2016	55
Horsted Keynes	May-12	Regulation 14 consultation - May 2016	54
Average number of months			54
Average number of years			4.5

- 5.5. Primarily, the Council needs reduce significantly the proportion of housing need deferred to other plans by allocating more sites in the District Plan. In addition, the Council needs to update the housing trajectories to take account of the trends highlighted for the time it takes to prepare and 'make' Neighbourhood Plans.

6.0. CONCLUSIONS

Soundness of the Mid Sussex District Plan 2014-2031

- 6.1. In light of these representations, it is considered that under paragraph 182 of the NPPF, the Mid Sussex District Plan is currently unsound as they are;
- Not positively prepared – the strategy fails to meet objectively assessed need and fails to adequately address the unmet need arising from neighbouring authorities;
 - Not justified – the Plan is neither the most appropriate strategy nor is it prepared based on adequate evidence;
 - Not effective – the Plan does not demonstrate effective policies in relation to the requirements of national policy to significantly boost housing supply and is silent in relation to how and where the need deferred to other plans will be met; and
 - Not consistent – the Plan fails to accord with the principles and requirements of the NPPF.

Recommendations

- 6.2. In order to address the above failings, the MSDC must:
- prepare an NPPF compliant SHMA to form part of a more robust evidence base. We support the recommendations of the Forum that there should be an OAN of at least 1,000 dwellings per annum;
 - plan to meet this OAN in full. The Council must also ensure that the policy response to protected areas within the district is NPPF-compliant, as the NPPF is clear that AONBs and National Parks are not embargos on development;
 - plan to address unmet housing needs from neighbouring authorities;
 - prepare an SA, SHLAA and supporting evidence that meets the relevant requirements of national policy and guidance and considers a variety of options relating to meeting OAN and taking on unmet need from adjacent areas;
 - reduce significantly the proportion of housing need deferred to other plans and provide guidance and minimum targets for how any need that is left is to be distributed; and
 - consult on any changes to the plan, including any that are continued to be proposed from the 'Further Focussed Modifications', as these were not consulted upon.
- 6.3. In order for these recommendations to be completed it is likely that the Examination will need to be suspended so MSDC can undertake further work.

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