

# Mid Sussex Site Allocations Plan

## Matter 1 Examination Statement

- 1.1 This examination statement has been prepared by Nexus Planning on behalf of Miller Homes Ltd.
- 1.2 Miller Homes control land south of Lewes Road, Haywards Heath ("the Site") (SHELAA ref. 844). The Site measures approximately 5 hectares, is available for development now and has an indicative capacity of 100 dwellings.

### Matter 1 - Legal Requirements, Scope of the Local Plan and Duty to Co-operate

#### *1.3 Scope of this part of the Local Plan*

*(i) Is the scope of the Plan in line with the main aims and strategy of the District Plan as set out above, including as set out in the Executive Summary and in particular in relation to its four main aims which are set out on page 4 of the submitted Plan?*

- 1.3 No.
- 1.4 As set out in our Matter 3 Statement, the Site Allocations DPD fails to provide a sufficient buffer against the District Plan requirement to ensure the Plan incorporates flexibility and robustness against the non-implementation of allocated sites. Accordingly, it fails the first aim set out on page 4 of the submitted Plan to allocate sufficient housing sites to meet the identified housing requirement in the District up to 2031.
- 1.5 Given the above, the Site Allocations DPD is not 'positively prepared' as it would fail to provide a strategy which, as a minimum, meets the requirements of the District Plan due to an insufficient buffer. It would not also be 'effective' and thus contrary to paragraph 35 of the NPPF.
- 1.6 To overcome this issue, the Plan should increase its buffer to approximately 10%.

*(iii) Does policy SA GEN adequately set out the general principles for the Site Allocations that are made in this Plan?*

**Briefing Note** continued

- 1.7 Under landscape considerations, the policy states that *“Development in the High Weald AONB or within its setting will need to conserve and enhance the natural beauty and special qualities of the High Weald”* (emphasis added).
- 1.8 We would question whether the proposed allocations within the AONB can comply with this policy, in particularly site allocation SA25 as this would not enhance the AONB, thus generating an internal conflict within the Plan.
- 1.9 To overcome this issue, Policy SA GEN would need to be modified or SA25 deleted.

***(iv) Policies SA34 to SA38 are termed ‘development policies’ in the Plan; can they be considered to be strategic in nature, and if so, does that in any way set a precedent or even a requirement for the Plan to deal with other strategic issues, such as housing provision?***

- 1.10 Yes.
- 1.11 Paragraph 3.2 of the Plan very clearly sets out that these policies are strategic. Specifically, it states that *“the District Plan policies are complemented by five additional strategic policies”* (these are policies SA34, SA35, SA36, SA37 and SA38).
- 1.12 However, Policy DP1 of the District Plan sets out that the provision of new employment land and premises will be made, inter alia, by *“allocating further sites within the Site Allocations DPD”*. Whilst, Policy DP4 of the District Plan outlines that *“the DPD will identify further sites which have capacity of 5 or more residential units.”* As such, The District Plan does not suggest or provide the ‘policy hook’ for the Site Allocations DPD to introduce new strategic policies relating to existing employment sites or air quality. If this is the approach the Council wishes to take, the Plan should have given consideration to reviewing other aspects of the District Plan.
- 1.13 Paragraph 33 of the NPPF requires that policies in local plans and spatial development strategies are reviewed to assess whether they need updating at least once every five years but makes clear that *“Relevant strategic policies...are likely to require earlier review if local housing need is expected to change significantly in the near future.”* The District Plan currently plans for an average of 964dpa but the Government’s published standard method outlines housing need of 1,114dpa.
- 1.14 Given the above, it is clear that if the Council wish to introduce new strategic policies, an updating of the strategic policy relating to housing need (DP3 of the District Plan) should also have been considered.