

# **Mid Sussex Site Allocations DPD Examination**

## **Matter 1 Statement on behalf of A2Dominion**

May 2021

**Turley**

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**Client**

A2 Dominion Group

**Our reference**

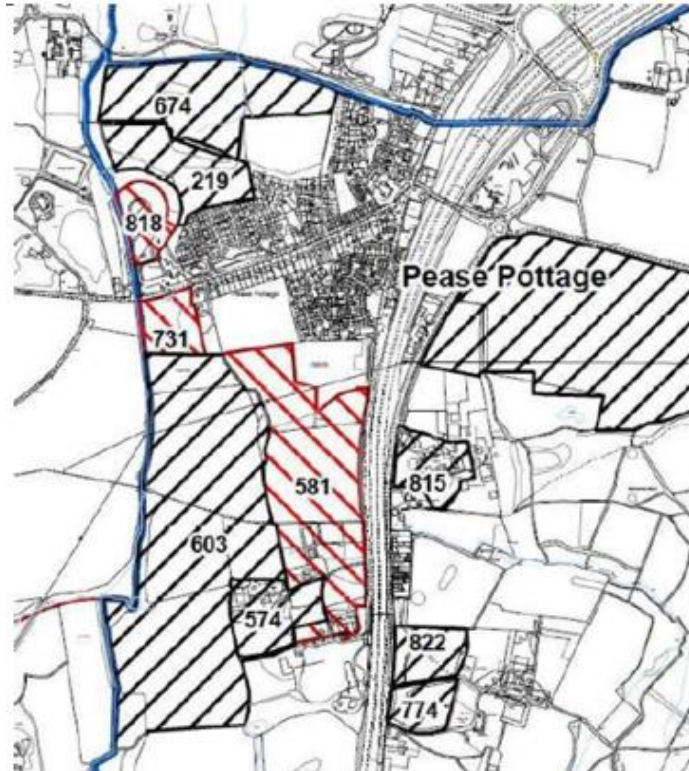
A2DS3001

6 May 2021

# 1. Introduction

- 1.1 This Statement has been prepared by Turley on behalf of A2Dominion in relation to Matter 1 of the Mid Sussex District Council Site Allocations DPD Examination.
- 1.2 A2Dominion have also submitted Statements in response to Matters 2, 3, 4, 7 and 8 of the Examination.
- 1.3 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be 'sound', plans must be:
  - a) **Positively prepared** – providing a strategy which, as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
  - d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.
- 1.4 The following commentary provides a summary of A2Dominion's interests in Mid Sussex and the land they are promoting to the land to the north of Horsham Road and west of Old Brighton Road North, Pease Pottage (MSDC site reference 674).
- 1.5 The site has been previously assessed in the Strategic Housing and Economic Land Availability Assessment (published April 2018) under site reference 674. The site was also evaluated through the Site Selection Topic Paper 1 that informed the emerging development plan document. A2Dominion maintain, consistent with their earlier representations, that this site was wrongly discounted through the Council's site assessment process.
- 1.6 The proposed site currently comprises of redundant golf course land, characterised by open grassland being located within the grounds of Cottesmore Golf and Country Club. A site location plan is included at **Appendix 1**.
- 1.7 The site is considered to be directly contiguous with the existing built urban fabric of Pease Pottage and is a logical urban extension to the settlement in accordance with the adopted Spatial Strategy for Mid-Sussex.
- 1.8 To the south and east lies existing residential development granted under references DM/17/0747; DM/15/3772 and 12/02128 respectively.

- 1.9 The site is proposed as a location for a new residential development, which could meet the needs of Mid Sussex and Crawley Borough to the north.
- 1.10 A2Dominion have been working with the promoters of land to the south (namely MSDC site references 219 and 818 as shown in Figure 1.1 below:



1.11

**Figure 1.1: Figure 1 – SHELAA Extract**

- 1.12 Sites 219 and 818 were also found to be Suitable, Available and Achievable in MSDC's SHELAA. The plan at **Appendix 2** shows the land promoted by A2Dominion in blue, broadly site 219 in green and demonstrates how these areas could deliver a comprehensive scheme.
- 1.13 Furthermore, the location of Pease Pottage the site, which is highly accessible to the M23, means that it is also ideally located so as to be accessible to those working at, or near to, Gatwick Airport. Accordingly, the location of the site means that it is ideally located as to provide housing associated with the long term expansion of activities at and associated with Gatwick Airport which is accessible using public transport services through Crawley.
- 1.14 As is demonstrated through the Statements submitted on behalf of A2Dominion, concerns are also maintained in relation to the manner in which the SADPD does not respond to strategic issues such as the unmet needs of neighbouring authorities (including through the distribution of growth so it located close to those areas) and the deliverability / achievability of the District Plan's minimum housing requirement.

## **A2Dominion**

- 1.15 A2Dominion is a residential property group with a social purpose, reinvesting profits into building new homes, managing their existing homes and supporting local communities. A2Dominion's vision is to improve people's lives through high-quality homes and services. A2Dominion has over 38,000 homes across London and southern England.
- 1.16 A2Dominion are committed to developing new homes that are genuinely sustainable.
- 1.17 A2Dominion have led the development of a new flagship eco town at North West Bicester; a pioneering project backed by environmental integrity and a long-term vision for the area. A2Dominion are currently completing the exemplar phase of the Masterplan, which will provide 393 true zero carbon homes and a local centre. More information is available at: <https://tinyurl.com/NWBicester>.

## **2. Response to Matter 1: Legal Requirements, Scope of the Local Plan and Duty to Cooperate**

### **1.1 Legal Requirements:**

- (i) Does the Site Allocations Development Plan Document (which I will refer to as the Plan from now on) meet all its legal requirements (e.g. in relation to the Local Development Scheme; Statement of Community Involvement; and the Town and Country Planning (Local Planning) (England) Regulations 201 (as amended (2)? Are there any other legal compliance issues?**

2.1 No comment, aside from those set out in relation to Matter 1.3 (Duty to Co-operate).

- (ii) Has the Council followed due process in its preparation of the Plan, including the process of site selection and public involvement?**

2.2 As set out in our Statement to Matter 2, we maintain that MSDC's site selection process has been flawed. The LPA has discounted sites through that process for reasons which do not withstand scrutiny.

### **1.2 Scope of this part of the Local Plan [question word count: 698]**

**Summary of the scope of the Plan: The main aims on page 4, paragraphs (i) to (iv), make clear reference to the Spatial Strategy in the adopted District Plan, which provide for the delivery of around 543 jobs per annum from several sources, including a new science and technology park and several smaller employment allocations. The Plan also provides for a minimum requirement of 16,390 homes between 2014 and 2031 (equating to 876 dwellings per annum (dpa) until 2023/24, increasing to 1,090 dpa from 2011-2029). The Spatial Strategy distributes new development based on a sustainable hierarchy of settlement types, with the employment and housing over the plan period focused on the largest settlement, Burgess Hill, and to a lesser extent in the other towns, Haywards Heath and East Grinstead, and smaller amounts in the villages. The Spatial Strategy makes additional strategic allocations at Hassocks in the south of the District, close to Brighton and at Pease Pottage, in the north of the District, close to Crawley, having regard to the housing needs of these two urban areas. The District Plan also aims to conserve and enhance the environment, including in the High Weald Area of Outstanding Natural Beauty (AONB), the Ashdown Forest 7km Zone of Influence and the setting of the South Downs National Park (SDNP), bearing in mind that the National Park is a separate local planning authority.**

- (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?**

2.3 We agree that part of the scope of the District Plan has regard to the housing needs of neighbouring authorities, namely Crawley and Brighton, given the inability of those two authorities to accommodate their own needs.

- 2.4 However this wider spatial planning issue does not appear to have been taken into account in the preparation of the SADPD. Given the fact that Crawley Borough has a continuing and increasing unmet housing need (relative to the situation when the District Plan was prepared) and the recorded position that other authorities around Crawley are unable to accommodate its unmet need, it would have been prudent, given the aspects of the spatial strategy, for the SADPD to continue the approach of seeking to support those neighbouring authorities. That point is reinforced by the fact that the District Plan does not establish maximum housing requirements for specific settlements.
- 2.5 There is no reason why additional growth could not have been directed to settlements which can play a role in supporting neighbouring authorities.
- 2.6 The justification for our comments set out above is taken from the District Plan which states (pages 30/31):

*“The District Council will prepare a Site Allocations Development Plan Document (DPD). This will allocate non-strategic and strategic sites of any size over 5 dwellings (with no upper limit), in order to meet the remaining housing requirement over the rest of the Plan period as reflected in the ‘stepped trajectory’ of 876dpa until 2023/24 and 1,090dpa thereafter, and with the aim of maintaining a 5 year land supply to meet this requirement. Town and parish councils may also bring forward revisions to their Neighbourhood Plans.”*

*“In preparing the DPD, the Council will liaise with town and parish councils and undertake further consultation. The Council will continue to work closely with its neighbouring authorities, particularly those which form the Northern West Sussex (NWS) Housing Market Area (HMA), in exploring opportunities and resolving infrastructure and environmental constraints in order to meet housing need in sustainable locations. The Council will also explore the potential to realise brownfield land housing capacity through the preparation of a Brownfield Sites register. The Council also intends to undertake a review of the Plan after the adoption of the Site Allocations DPD which will reconsider need and allocate further dwellings if required. This will be submitted to the Secretary of State in 2023.”*

- 2.7 It is correct that the first of those two paragraphs explains how the Site Allocations DPD will allocate sites “... in order to meet the remaining housing requirement...”
- 2.8 However the text then continues by stating that “In preparing the DPD, the Council will liaise with town and parish councils and undertake further consultation. The Council will continue to work closely with its neighbouring authorities, particularly those which form the Northern West Sussex (NWS) Housing Market Area (HMA), in exploring opportunities and resolving infrastructure and environmental constraints in order to meet housing need in sustainable locations.”

- 2.9 In our view, that commitment to engaging with neighbouring authorities is reading in the context of the Site Allocations DPD.
- 2.10 However page 4 of the SPD then omits this issue from the scope of the SADPD.
- (ii) **Does the scope of the Plan accord with the Court of Appeal (COA) Judgment of Oxted Residential Ltd v Tandridge District Council (EWCA Civ 414; 29 April 2016)? This COA Judgment is in the Examination Library, and the paragraphs that I would particularly like to draw attention to are: 28, 31, 32 and 38. The third sentence of paragraph 38 states: An Inspector conducting an examination must establish the true scope of the development plan document he is dealing with, and what it is setting out to do. Only then will he be able to properly judge “whether or not, within the scope and within what it has set out to do”, it is “sound” (Section 20(5)(b) [of the 2004 Act]).**
- 2.11 We do not comment on this matter, aside from our previous comment that the scope of the District Plan should have been based upon close working *“with its neighbouring authorities, particularly those which form the Northern West Sussex (NWS) Housing Market Area (HMA), in exploring opportunities and resolving infrastructure and environmental constraints in order to meet housing need in sustainable locations.”*
- (iii) **Does policy SA GEN adequately set out the general principles for the Site Allocations that are made in this Plan?**
- 2.12 The only comment we make in this regard is that Policy SA GEN includes numerous requirements that schemes comply with other policies.
- 2.13 In this regard we note that paragraph 16 of the NPPF 2019 sets out various criteria including that: *“Plans should ... f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)”*.
- 2.14 On that basis, Policy SA GEN can be simplified.
- (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?**
- 2.15 We do not comment on whether Policies SA34 to SA38 are strategic in nature, however the SADPD clearly does deal with the strategic issue of housing provision.
- (v) **Does the Plan keep within its remit in relation the ‘made’ and emerging Neighbourhood Plans within the Plan Area?**
- 2.16 No comment.



### 1.3 Duty to Cooperate (DTC): [question word count: XXX]

- (i) Is the DTC, which covers some strategic matters, therefore applicable to this Plan, as a 'Part 2' Plan, and if so, has the Council adequately discharged the DTC in preparing the Plan?

2.17 The DTC is applicable to this Plan.

2.18 Paragraph 24 of the NPPF 2019 explains:

*"Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries."*

2.19 Paragraphs 25 and 26 of the NPPF are also relevant and require that the authorities should identify strategic matters to be addressed in their Plans and that joint working should be ongoing:

*"Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers)."*

*"Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere."*

2.20 A similar approach is set out in the Planning Practice Guidance (for example Paragraph: 029 Reference ID: 61-029-20190315).

2.21 The Localism Act establishes the activities where bodies are required to undertake the DTC, including "(a) the preparation of development plan documents, (b) the preparation of other local development documents".

2.22 There is no part of the Localism Act, so far as we are aware, which dis-applies the DTC from certain documents falling into the abovementioned activities, or where that Plan is a Site Allocations DPD, or 'Part 2' (or 'daughter document' as they are often referred to).

2.23 There appears to be no dispute from MSDC that the DTC is relevant as a matter of principle. The Council's 'Duty to Cooperate Statement' (August 2020) (document DC1) explains (section 3.1) that:

*"The District Plan sets out the housing requirement for Mid Sussex and provides the spatial strategy for the housing allocations. The Site Allocations Document will allocate sufficient housing land to ensure that the identified housing requirement can be met in*

*full. The Site Allocations Document does not have a remit to re-visit the issue of housing need and therefore it is not a strategic matter for this document.”*

- 2.24 In this case, it is clear from the District Plan that the unmet needs of Crawley Borough Council is a strategic matter (see for example paragraph 3.14).
- 2.25 However since the preparation and adoption of the District Plan, the extent of Crawley Borough Council’s unmet housing need has become clearer, as has the inability of other neighbouring authorities to accommodate this growth.
- 2.26 MSDC’s Statement (document DC1) explains that a Statement of Common Ground (May 2020) has been agreed with Crawley Borough Council and that in relation to housing it is *“Agreed that the DPD is seeking to allocate sufficient sites to ensure the housing requirement is met in full, including meeting unmet needs of Crawley.”*
- 2.27 In our view, it appears as though MSDC has taken the view that the District Plan deals with the matter of unmet housing need and that it has not considered whether the circumstances, or any updated evidence, indicate that this required a revised approach in the SADPD.
- (ii) In particular, does the Plan satisfy the DTC in relation to planning for the longer-term growth of neighbouring areas?**
- 2.28 Having established that the DTC is relevant to the SADPD, our view is that the approach to planning for the growth of neighbouring areas has not been addressed.
- 2.29 There is now a significant amount of material which forms the evidence base to the draft Crawley Local Plan, including in relation to unmet housing needs, economic growth and the ability of authorities to meet the needs of other areas, including:
- A SoCG between Crawley BC (CBC), Horsham District Council (HDC) and Mid Sussex District Council (MSDC) confirms agreement that (this document is from mid 2020 and as such the precise figures may be out of date):
    - The Northern West Sussex Authorities are located within the wider economic areas of the Coast to Capital Local Enterprise Partnership and the Gatwick Diamond.
    - As part of the DCO process, the authorities are working collaboratively, with Gatwick Airport and other Gatwick authorities, to understand the implications of expansion of the airport for the local economy.
    - The draft Crawley Borough Local Plan 2020 – 2035 identifies sufficient sites (and windfalls) to meet 5,285 dwellings over the 15-year Plan period (2020 – 2035), leaving 5,995 dwellings arising from Crawley’s projected population growth, over the Plan period to 2035, unmet.
    - The authorities agree to continue to work positively together to seek to address the future housing needs of the Housing Market Area as far as possible, taking into account local constraints, and the need for sustainable development.

- A SoCG between Crawley BC (CBC) and Reigate & Banstead BC (RBBC) confirms agreement that:
  - The two authorities sit within different housing market areas, although there is some relationship between the Horley area (in RBBC) and the North West Sussex HMA. Where each party cannot meet its housing need within its own boundary, it should first prioritise working collaboratively with authorities within its HMA to address the identified housing need.
  - The RBBC adopted Development Management Plan (DMP) includes three Sustainable Urban Extensions within/ajoining Horley (NWH1, NWH2 and SEH4), these are allocated to meet housing needs in RBBC.
  - CBC is not in a position to meet any unmet housing need that may arise from further work for RBBC.
  - RBBC is not in a position to meet any of CBC's unmet housing need.
- A SoCG between Crawley BC (CBC) and Mole Valley District Council (MVDC) confirms agreement that:
  - The two authorities sit within different housing market areas
  - Due to the need to undertake site-specific exceptional circumstances testing to determine whether it is appropriate for individual sites to be released from the Green Belt, it is not currently considered possible to meet any of Crawley's housing needs within Mole Valley.
  - CBC is not in a position to meet any unmet housing need that may arise from further work for the Mole Valley district.

- 2.30 On the basis of the evidence prepared to support the draft Local Plan, CBC acknowledges that it has a significant unmet housing need. This is clearly a significant issue given the intrinsic links between housing supply and economic growth (highlighted by the Gatwick Diamond and LEP for example). However it is also clear from the SoCGs with Mole Valley and Reigate & Banstead that those authorities will not be in a position to accommodate the unmet needs of Crawley.
- 2.31 Other than Horsham District and Mid Sussex District, that then leaves Tandridge, where the emerging Local Plan has been subject to significant delays regarding the site selection process and reliance on the South Godstone Garden Community. Moreover, Tandridge DC has always acknowledged that their draft Local Plan falls short of meeting their own needs, let alone providing for the needs of others.
- 2.32 Irrespective of whether the *housing requirement* of the District Plan should be increased in light of the evidence on Crawley's unmet housing need, it is relevant to consider whether any aspect of the MSDC Local Plan strategy (as set out in District Plan and SADPD in combination) should have been reviewed.

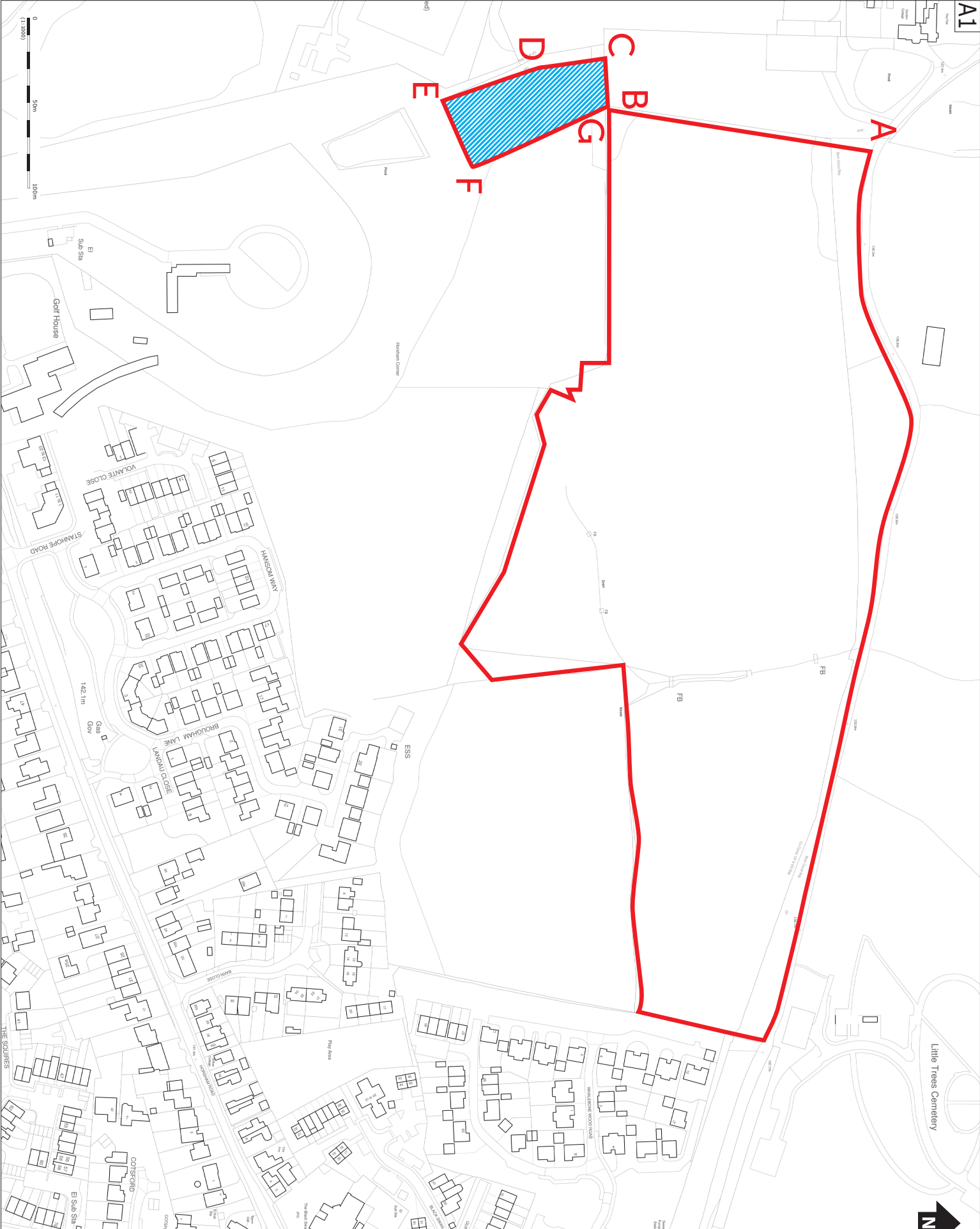
- 2.33 Given the inherent relationship between economic growth and housing delivery (and the relationship that those considerations have given the location of the authorities within the Gatwick Diamond and the scale of the unmet housing need from Crawley), we maintain that this issue should have been kept under review as part of the ongoing engagement required through the DTC.
- 2.34 Instead, MSDC appears to have approached a number of matters, as something of a ‘closed book’, including in relation to the way in which the Development Plan deals with unmet housing need. On a similar point, we explain in other statements, MSDC appears to have approached the level of growth at settlements as being fixed, when the opposite is true.
- 2.35 As we explain below, it would have been possible, in the context of the District Plan policies, to review the distribution of housing, via the SADPD, so that the Plan responds to the strategic issue arising from Crawley BC’s substantial unmet housing need.
- 2.36 Policy DP4 of the District Plan sets out the overall minimum housing requirement over the Plan period. The Policy then includes a table which shows a minimum [housing] requirement for each settlement category and a ‘Minimum Residual from 2017 onwards (accounting for completions and commitments)’<sup>1</sup>.
- 2.37 Policy SA10 of the SADPD includes an updated version of the table from Policy DP4 which helpfully shows an ‘Updated Minimum Residual Housing Figure’ and a ‘Site Allocations – Housing Supply’ figure.
- 2.38 MSDC has evidently not regarded the ‘minimum’ requirements for settlement categories as a hard and fast rule.
- 2.39 That is demonstrated by the fact the SADPD directs roughly twice the amount of growth through new allocations to Burgess Hill, East Grinstead and Hayward’s Heath than is said to be necessary to achieve the ‘Updated Minimum Residual Housing Figure’.
- 2.40 Similarly, Policy SA10 shows that fewer dwellings are directed to those settlements in categories 2 and 3 than required to achieve the ‘Updated Minimum Residual Housing Figure’.
- 2.41 This demonstrates that MSDC could have directed growth in a way which does not strictly reflect the minimum requirements for settlement categories in Policy DP4 of the District Plan. In doing so it would have been entirely possible and within the scope of the SADPD to direct growth in such a way that it assists with the housing needs of Crawley (irrespective of whether the housing requirement is increased, but through the spatial distribution of development close to a neighbouring authority which cannot accommodate its own need).

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<sup>1</sup> Effectively the residual level of housing required to achieve the ‘Minimum Requirement’ for each settlement category

- 2.42 In our submission, the fact that there is a greater unmet housing need arising from Crawley is not a matter which should simply be put off to a further review of Local Plans. Paragraph 36 of the NPPF 2019 sets out ‘tests of soundness’, one of which is that the Plan be effective. To be effective, the Plan must be *“deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground”*.
- 2.43 It is therefore the NPPF itself which establishes that those cross boundaries matters should be dealt with rather than deferred.

## **Appendix 1:    Site Location Plan**



NOTES

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REV	DESCRIPTION	DATE	AUTHOR	CHECKED
01	Preliminary Issue	22/08/18	V.A.	
02	Final Issue	22/08/18	V.A.	
03	Additional Issue	22/08/18	V.A.	

KEY  
Site Boundary



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Land North of Horsham Road  
Pease Pottage

For: A2 Dominion

Land Title Plan - 01

SCALE  
1000 @ A1

DATE  
23/08/18

DATE  
23/08/18

DATE  
23/08/18

DATE  
23/08/18

DATE  
23/08/18

## **Appendix 2: Land control west of Pease Pottage**





Pease Pottage

Rev	Description
P1	Preliminary Issues

Date	Au	Ch
13.05.21	VL/aa	MBV

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Project	Pease Potrage
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Drawing Land Ownership Plan - 01

Client	A2 DOMINION GROUP			Date	13.05.21
Job no.	A2D0210409			Rev.	P1
Dwg no.	LOP-01			Scale	1:250@A1
Author	VL/asa		Checked	MB/-	
status	PRELIMINARY			Office	Romsey

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