

Mid Sussex Site Allocations DPD Examination
Matter 3 Statement on behalf of A2Dominion

May 2021

Turley

Contents

1.	Introduction	3
2.	Response to Matter 3 – Does the Plan deliver both the quantitative and qualitative aspects of housing provision in the District Plan to meet Mid Sussex’s requirements over the plan period in accordance with national policy?	4

David Murray-Cox
david.murray-cox@turley.co.uk

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 3 of the Mid Sussex District Council Site Allocations DPD Examination.
- 1.2 A2Dominion have also submitted Statements in response to Matters 1, 2, 4, 7 and 8 of the Examination.

2. Response to Matter 3 – Does the Plan deliver both the quantitative and qualitative aspects of housing provision in the District Plan to meet Mid Sussex’s requirements over the plan period in accordance with national policy?

3.1 New Homes Quantum (policies SA10 and SA11):

- 2.1 At the outset of this response, we provide an initial comment which summarises, and informs the points made below in relation to the quantum of development proposed.
- 2.2 The District Plan includes a ‘minimum’ housing requirement. This is not a target, or a maximum figure. By virtue of the fact that it is expressed as a ‘minimum’ figure, it is entirely reasonable to conclude that the Development Plan should plan to exceed this requirement. To do otherwise is contrary to Policy DP4.
- 2.3 In order to plan to exceed (or meet for that matter) a minimum requirement, the Plan must be sufficiently robust and flexible to ensure that happens.
- 2.4 To be sufficiently robust and flexible, the Plan must allow for degrees of changing circumstances and uncertainty. In this case, the LPA claims that this is supported by the ‘oversupply’ of just 484 dwellings compared to the minimum requirement over the Plan period.
- 2.5 That is a total degree of flexibility of **2.95% compared to the minimum housing requirement over the entire Plan-period.**
- 2.6 It is true that the residual requirement (once completions are accounted for), is 11,473 dwellings at 1st April 2020. But that is not the level of growth that the Development Plan is concerned with and so the issue is whether the SADPD (and the levels of growth planned overall) support the minimum housing requirement of Policy DP4.
- 2.7 That point is brought into sharp focus by the fact that there is already an accrued shortfall against the District Plan’s housing requirement to the end of March 2020.
- 2.8 The total degree of flexibility is again brought into sharp focus by the lack of evidence presented by MSDC on housing delivery rates and lead in times for example. While there is some information regarding the sites allocated under Policies DP8, DP9, DP10 and DP11 of the District Plan, that material does not provide an explanation as to how the trajectory has been calculated. In relation to all other sources of supply, we have not been able to provide any such explanation.
- 2.9 Further concern is then raised because MSDC’s own evidence says that a number of the SADPD proposed allocations are shown to not be viable.

- 2.10 The question we then pose is – in the absence of that evidence, to what extent can any degree of oversupply, let alone one which is equivalent to 2.95%, demonstrate how those minimum requirements are achieved?
- (i) Is the updated Minimum Residual Requirement for Mid Sussex, which has been reduced from 2,439 units in policy DP4 of the District Plan to 1,280 units in the submitted Plan, supported by the evidence?**
- 2.11 As the Inspector’s question indicates, Policy DP4 of the District Plan identifies that 2,439 dwellings are to be provided *“Elsewhere in the District, as allocated through future Neighbourhood Plans and the Site Allocations document”*.
- 2.12 It is worth noting that the 2,439 dwellings accounted for in Policy DP4 contributed to achieving the 16,390 dwellings, and not to providing any oversupply which would assist in providing a buffer or degree of flexibility (and thus providing for that level of growth as a minimum figure).
- 2.13 It is also worth noting that the 2,439 dwellings accounted for in Policy DP4 are a subset of the supply to provide for a minimum requirement of 16,390. It is reasonable to assume that DP4 sought a minimum of 2,439 dwellings from such sources.
- 2.14 Policy SA10 of the SADPD now includes the same minimum requirement (16,390 dwellings) over the Plan-period but includes an ‘Updated Minimum Residual Housing Figure’ of 1,280 dwellings.
- 2.15 MSDC’s ‘Housing Land Supply Statement’ (August 2020) (document H2) includes a table which indicates how 4,917 dwellings were delivered between April 2014 – March 2020. The same table shows ‘Commitments’ of 9,680 dwellings.
- 2.16 However document H2 does not appear to provide any data to sit alongside or demonstrate that those figures are correct, or that there is no double counting.
- 2.17 We strongly consider that MSDC has failed to provide the evidence to demonstrate how the remaining residual requirement has been calculated.
- 2.18 The need for that evidence is particularly clear given the nature of the Inspector’s other questions, for example in relation to the matters of ‘buffers’, ‘non-delivery’ ‘non-implementation’.
- 2.19 Furthermore, in calculating the residual housing requirement, it would be entirely reasonable to undertake a broader review of the deliverability of all sources of supply, however that does not appear to have been done.

- (ii) **The Plan makes provision for 1,764 dwellings in its site allocations (SA12 -SA33), which amounts to an ‘over-supply’ or buffer of 484 dwellings over the residual housing requirement, which is identified as 1,280 dwellings in Table 2.3 of the Plan. Does this increased housing provision, which equates to 37.8% above the minimum residual requirement or 2.95% above the minimum District requirement of 16,390 dwellings over the plan period, amount to a sufficient buffer to enable the Plan to ensure there is enough flexibility of housing land over the plan period? If the Plan is found to be insufficiently flexible in this regard, what further steps should the Council take to rectify this? Are there any sound arguments to support the notion that the amount of the buffer is too great or has been incorrectly applied? Is the buffer excessive in relation to the requirements of paragraph 73 of the NPPF or Framework?**
- 2.20 This question is linked to others in Matter 3, for example non-implementation in 3.1(iii), and non-delivery in question 3.7.
- 2.21 Paragraph 16 of the NPPF 2019 includes various criteria, including that *“Plans should: b) be prepared positively, in a way that is aspirational but deliverable”*.
- 2.22 Paragraph 67 of the NPPF 2019 requires that *“planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability”*.
- 2.23 Paragraph 11 of the NPPF 2019 states that:
“Plans and decisions should apply a presumption in favour of sustainable development.
For plan-making this means that:
a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change”
- 2.24 Providing for 1,764 dwellings through site allocations only relates to an ‘over-supply’ or buffer of 484 dwellings over the residual housing requirement of 1,280 dwellings if that residual requirement is correct (even allowing for the supply from windfall sites).
- 2.25 We consider that measuring the SADPD proposed allocations against the residual housing requirement is the wrong approach.
- 2.26 The appropriate approach is to consider whether the SADPD is a Plan which assists in achieving (including by providing the necessary flexibility) the District Plan’s minimum housing requirement of 16,390 dwellings.
- 2.27 Table 1 of the August 2020 Housing Land Supply Statement (document H2) identifies the housing requirement as 16,390 dwellings and that from completions, commitments, SADPD allocations and windfalls, there is a total supply of 16,874 dwellings between 2014 – 2031 (hence the oversupply of 484).
- 2.28 That also represents an oversupply of 484 compared to the minimum housing requirement of 16,390 dwellings and as the Inspector points out, that is a ‘buffer’ of 2.95%.

2.29 In our submission, that buffer is insufficient for the following reasons:

- Document H2 includes a chart based housing trajectory and Table 1 which indicates the level of completions until 31st March 2020. Bearing in mind the 'stepped trajectory' in Policy DP4 of the District Plan, the minimum requirement for the six year period 2014 – 2020 was 5,256 dwellings. In comparison, Document H2 indicates that 4,917 dwellings were delivered over that period, indicating an accrued shortfall;
- Policy DP4 requires an increased annual housing requirement from 2024 onwards. Document H2 shows how delivery rates fall below the increased requirement;
- MSDC relies on a very large allocation to the North and North West of Burgess Hill. It is well acknowledged that large sites such as that allocation take a significant period to delivery. Any delay could have fundamental issues for the delivery of the housing requirement overall; and
- MSDC's own evidence indicates that a number of sites have not been shown to be viable.

2.30 The reliance on the allocation to the North and North West of Burgess Hill is shown in MSDC's document 'Housing Land Supply – Commitments 1st April 2020' (Document H5).

2.31 We note that the SADPD does acknowledge (footnote to table 2.2) that in relation to North and North West Burgess Hill *"The District Plan 2014-2031 allocated 3,500 dwellings. 3,287 dwellings are anticipated to be delivered in the plan period up to 2031"*. The *'MSDC Response to Inspector's Initial Questions'* (ID-01) (MSDC-01) (see the table on page 20 of that document) now confirms that this figure should be 2,787 dwellings with the balance delivered after 2031.

2.32 Document H5 explains that the Burgess Hill 'Northern Arc' (aka North and North West Burgess Hill) as providing a total of 3,500 dwellings, but that as of 1st April, 2020, there are 2,327 'remaining' (we assume this means still to be delivered), with 460 dwellings accounted for separately at the Freeks Farm site. The combination of those two sources then equates to 2,787 dwellings (the level of development which MSDC now claims will be delivered in the allocation to 2031).

2.33 At this point, we pause to note that MSDC has not published a housing trajectory in support of the SADPD which can be scrutinised. The only trajectory which has been published is contained within the 'Housing Land Supply Statement' (August 2020) (document H2). However that document presents the expected delivery trajectory as a 'bar chart', without specific figures, thus making it extremely complicated to interrogate with any confidence. The Council's approach is also further undermined because the delivery rates for different years appear to be exactly the same. That would be highly unusual.

- 2.34 So far as we can establish, there is then no evidence before this examination which explains how that trajectory has been calculated (i.e. what is the expected lead in time / delivery rate assumed for the proposed allocations, other commitments, or the latest position in relation to the District Plan allocations). We note that section 3.1 of the *'MSDC Response to Inspector's Initial Questions'* (ID-01) (MSDC-01) does provide a trajectory for four sites, however there is no explanation, as far as we can tell, to explain how that has been calculated.
- 2.35 Ultimately, the degree of the buffer means that if only 484 fewer homes are delivered by 2031, then the minimum housing requirement is not met, let alone exceeded as must be the case if Policy DP4 is to be achieved.
- 2.36 What we can conclude is that if only 50 fewer dwellings were delivered on average per annum to 2031 than shown in document H2, then housing supply would fall below the minimum requirement at the end of the Plan-period, let alone exceed the minimum requirement.
- 2.37 There can be no certainty that the trajectory assumed by MSDC is robust because there is no evidence to support it. Without that evidence, an extremely cautious approach should be adopted.
- 2.38 The uncertainty over the assumptions which MSDC has used to inform the housing trajectory is reinforced by requirements of the SADPD policies. For example, the allocation of the land south and west of Imberhone Upper School requires a detailed phasing plan with agreement from key stakeholders to secure a range of measures. It is reasonable to expect that the delivery of a number of those measures, including the transfer of land and provision of infrastructure will have implications for housing delivery.
- 2.39 Not only is the MSDC calculation of housing supply during the Plan-period calculated on unclear assumptions, but it also fails to reflect the fact that some sites may come forward with a reduced capacity. That scenario may arise for any number of reasons such as site capacity, design, housing mix, highways capacity or through consultation. A reduction in site capacity on even a small number of schemes could have dramatic consequences for the achievement of the 'minimum' housing requirement.
- 2.40 The delivery of housing in MSDC is critical to the area's wider context given its location within the Gatwick Diamond, and its relationship to neighbouring authorities with unmet housing need (particularly Crawley). Irrespective of whether the housing requirement in Mid Sussex is increased, these wider contextual issues highlight the need to ensure that MSDC's Development Plan achieves 'its' own 'minimum' requirements. A failure to do so could undermine those wider considerations in our view, as well as the achievement of Policy DP4.
- 2.41 As a consequence of our submissions, there cannot be any sound justification to suggest that the buffer is too great.

2.42 In our submission:

- The LPA's evidence base does not enable a conclusion to be made (in accordance with paragraph 67 of the NPPF 2019) that the housing trajectory provides a *"sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability"*;
- The LPA's evidence base does not enable a conclusion to be made (in accordance with paragraph 16 of the NPPF 2019), that the Plan is 'deliverable';
- The LPA's evidence base does not enable a conclusion to be made (in accordance with paragraph 11 of the NPPF 2019) that the Plan is sufficiently flexible to adapt to rapid change;
- The consequence of these considerations is that the Plan is not then shown to be 'Effective' as required by paragraph 36 of the NPPF 2019 which sets out 'tests of soundness', requiring that the Plan be *"deliverable over the plan period"*; and
- The Plan cannot therefore be said to be 'Positively prepared' as required by paragraph 36 of the NPPF 2019 which sets out 'tests of soundness', requiring that the Plan *"as a minimum, seeks to meet the area's objectively assessed needs..."*

2.43 In addition, the Viability Report from 2019 (document IV2, paragraph 6.5) explains that:

"There are several exceptions. The sites at Ansty Cross Garage, Cuckfield Road, St. Wilfrids Catholic Primary School, School Close, Land to the south of Selby Close, Hammonds Ridge and at Withypitts Farm, Selsfield Road are not shown as viable. These have a capacity of 240 units which is less than 10% of the planned development. These are brownfield sites, being on previously developed land. The analysis on these types of site uses a higher BLV and, in some cases, are based on a greater element of flats (that are more expensive to build)."

2.44 Bearing in mind that the SADPD only supports (on the Council's evidence) an oversupply of 484 dwellings, the fact that sites for 240 dwelling are on sites shown to be unviable is of significant concern.

(iii) Should an allowance for non-implementation be built into the Plan? Some parties have suggested a figure of 10%.

2.45 This question is linked to others in Matter 3, for example flexibility/buffer in 3.1(ii), and non-delivery in question 3.7.

2.46 There are several concepts – providing a buffer to the requirement by increased supply, allowing for non-implementation, or that some sites may not delivery as expected.

2.47 In reality all of these concepts grapple with the same or similar issue – that the Development Plan should include measures that enable the minimum housing requirement to be met and retain the necessary flexibility to allow that to happen.

2.48 It is reasonable to assume that some sites may not be implemented, or may not deliver as expected. It is also clear that however it is calculated, the SADPD and District Plan in combination only (on MSDC's evidence) support an extremely marginal degree of flexibility.

2.49 In the absence of that certainty and flexibility, we reiterate the concerns at paragraph 2.42 of this Statement.

(iv) The Council places a significantly high reliance on the implementation of strategic sites in policies DP9, DP10, DP11 and DP12 to enable the delivery of the District's objectively assessed need over the plan period. These four strategic sites are expected to deliver a total of 5,800 dwellings, or 35.4% of the minimum District requirement of 16,390 dwellings. Is this total realistically deliverable within the plan period, and if not, does the Council need to allocate further additional housing sites in this Plan?

2.50 We assume that this question should refer to the strategic sites in Policies DP8, DP9, DP10 and DP11 of the District Plan.

2.51 Based on the section 3.1 of the '*MSDC Response to Inspector's Initial Questions*' (ID-01) (MSDC-01), we calculate that these sites are expected (by the Council) to deliver the following quantum of development during the Plan-period:

- DP8 – East of Burgess Hill at Kingsway
 - Actual delivery (to 2020) – 208 dwellings
 - Forecast delivery – 272 dwellings
 - Overall delivery – 480 dwellings
- DP9 – North and North West of Burgess Hill
 - Actual delivery (to 2020) – 0 dwellings
 - Forecast delivery – 2,787 dwellings
 - Overall delivery – 2,787 dwellings
- DP10 – East of Pease Pottage
 - Actual delivery (to 2020) – 41 dwellings
 - Forecast delivery – 619 dwellings
 - Overall delivery – 660 dwellings
- DP11 – North of Clayton Mills, Hassocks
 - Actual delivery (to 2020) – 0 dwellings
 - Forecast delivery – 500 dwellings

– Overall delivery – 500 dwellings

- 2.52 In relation to the land east of Pease Pottage, document MSDC-01 suggests this site will deliver 660 dwellings (including actual and forecast delivery), however we have been unable to tally that level of development with the planning history for this site (noting that document MSDC-01 indicates it has permission for 619 dwellings, not 660).
- 2.53 Taking the figures in document MSDC-01 at face value (despite any evidence to explain the claimed trajectories), those four sites are now expected to deliver 4,427 dwellings during the Plan-period, representing 27.01% of the overall minimum requirement.
- 2.54 However in our view the more fundamental issue is the extent to which those four sites are critical to achieving the remaining minimum requirement.
- 2.55 Document H2 indicates that 4,917 dwellings were delivered over the period to 2020, indicating that as of 1st April 2020, 11,473 dwellings were still to be delivered.
- 2.56 The four sites allocated under District Plan Policies DP8, DP9, DP10 and DP11 are shown in document MSDC-01 as being forecast to deliver 4,178 dwellings to the end of the Plan period. That represents 36.42% of all dwellings still to be delivered to the end of the Plan-period.
- 2.57 In our view, the extent to which the housing trajectory does rely on these four sites does justify additional allocations for the following reasons:
- The District Plan housing requirement is expressed as a minimum requirement. It is not a target to be achieved, but to be exceeded (otherwise the word ‘minimum’ is superfluous);
 - Even on the basis of MSDC’s calculations, the Development Plan would only support a very marginal supply over that minimum requirement;
 - The Council only provided a trajectory for the four sites allocated under Policies DP8, DP9, DP10 and DP11 of the District Plan, but there is no indication as to how that has been calculated;
 - There is no such trajectory for the other sources of supply and no indication as to how MSDC has calculated the quantum of development to be delivered to 2031;
 - Even fairly minor changes in site capacity could have dramatic consequences for achieving the ‘minimum’ housing requirement; and
 - There is a significant unmet housing need arising from neighbouring authorities, namely Crawley, and irrespective of whether the housing requirement is increased in Mid Sussex, there is a significant spatial planning justification to ensure that housing requirements in the District are achieved so as to support the wider sub-region and its associated economic growth.
- 2.58 In the absence of that certainty and flexibility, we reiterate the concerns at paragraph 2.42 of this Statement.

3.2 Proposed Distribution of new homes:

Does the proposed distribution of the additional new homes in the allocations in the Plan (as set out in table 2.5) to meet the Minimum Residual Housing Requirement, accord with the principles of sustainable development, particularly as set out in policies DP4 to DP6 of the District Plan, including taking account of considerations such as:

(i) Enabling the most sustainable pattern of growth for Mid Sussex, based primarily on the three towns, including the majority of development to be directed towards the town of Burgess Hill, and having regard to be sensitive to key environmental considerations, such as the setting of the SDNP, the High Weald AONB, the Ashdown Forest 7km Zone of Influence, landform and visual impact, conservation of important conservation and heritage assets, wildlife conservation and constraints such as areas at risk to significant flooding;

2.59 The first point we note in this regard is that it should not be assumed that the three towns necessarily represent the most sustainable patterns of growth.

2.60 Mid Sussex shares a strategically important relationship with Crawley Borough which has a significant unmet housing need. There is a substantial spatial planning justification for providing housing in a manner which is well related to Crawley, regardless of whether MSDC's housing requirement is increased.

2.61 Approximately 50% of the Mid Sussex District is located within the AONB, including the majority of the area adjacent to Crawley and much of the boundary with East Grinstead. Since Crawley is known to have ongoing (and growing) issues in terms of accommodating its own need, there is a significant likelihood that part of Crawley's need should be accommodated in Mid Sussex District. In order to ensure that is accommodated in close proximity and/or is highly accessible to Crawley, that is likely to indicate a continuing requirement for growth in the AONB.

2.62 In fact, the strategic allocation of the land east of Pease Pottage for 600 dwellings reflects the important and strategic role that this area plays in accommodating development in a proximate and accessible location to Crawley. Paragraph 3.42 of the District Plan identifies that the strategic allocation at Pease Pottage is proposed as a direct response in meeting the unmet needs of neighbouring authorities, including those of Crawley Borough Council. The Council justified the strategic allocation of Pease Pottage stating that "the site's proximity and accessibility to Crawley (there are good bus links) provides a sustainable opportunity to meet some of the town's unmet needs", with the education provision proposed on the site improving the sustainability of this location.

- (ii) Providing development to meet local needs in towns and villages which offer key community facilities (including public transport) and some employment opportunities; where settlements have already met their minimum development requirement as set out in the table attached to policy DP4, is it appropriate for this Plan to allocate additional housing?**
- 2.63 Yes, for the reasons we explain throughout this Statement.
- 2.64 However, as A2Dominion's Statements explain, the SADPD has failed to recognise the spatial planning reasons which support the justification for additional growth at settlements close to Crawley.
- 2.65 The proposed SADPD continues to make allocations at lower tier settlements than Pease Pottage and we maintain the view that the Council should make use of sites in sustainable locations which can also serve wider cross-boundary issues such as the unmet need from Crawley, and locating new homes close to that very sustainable settlement. The Council has arbitrarily discounted sites from the assessment process on the premise that Pease Pottage has accommodated the growth required by the District Plan, yet the SADPD (and the Inspector's question 3.2(ii) reveals that MSDC has been willing to direct growth to settlements where the minimum requirements in the District Plan.
- 2.66 As a further point in relation to this question, we note that the overall 'minimum' housing requirement set by Policy DP4 is 16,390 dwellings. Policy DP4 then identifies the 'Spatial Distribution of Housing Requirement' and provides a 'Minimum Requirement over Plan Period' for each settlement category.
- 2.67 MSDC appears to treat the approach in the District Plan as providing or setting an 'Objectively Assessed Need' for each settlement when in fact it does not. It is true that page 37 of the District Plan includes housing figures per settlement, but that is not part of any policy.
- (iii) Strictly controlling development in the open countryside;**
- 2.68 No comment.
- (iv) Maximising the re-use of previously developed sites which are sustainably located**
- 2.69 No comment.
- (v) With an expectation that development is required to provide infrastructure in accordance with the infrastructure needs of each town, the accompanying Infrastructure Delivery Plan (IDP) or other needs as they arise?**
- 2.70 No comment.

3.3 Housing Delivery over the Plan Period:

Does the Plan provide sufficient evidence to demonstrate that the proposed new homes total in each of the allocations can be implemented over the plan period, in accordance with the housing trajectory? Can each of the following housing allocations demonstrate their sustainability and deliverability in relation to the following considerations:

- 2.71 Please refer to our comments elsewhere in this Statement in relation to the matter of delivery and the housing trajectory.
- 2.72 As a general point, the NPPF 2019 'tests of soundness' at paragraph 36 require that a Plan be 'Justified', being an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
- 2.73 In this case, we note that there is a Sustainability Appraisal (which we address in our Matter 2 Statement) and various documents accessed through different parts of MSDC's website which include 'evidence documents'¹. However those documents only seem to cover certain topics, such as transport, air quality, infrastructure/viability, water cycle issues for example. There is some evidence through the 'Examination Library' which relates to matters such as landscape capacity but that dates from 2007. Similar issues then apply in relation to a number of other documents. The age of the evidence may well indicate that it should no longer be relied upon as being robust as circumstances may have changed in the intervening period.
- 2.74 In addition to the age of some of the evidence documents, there is a lack of material on a number of topics, such as heritage and ecology.
- 2.75 What MSDC appears to have sought to do is to ask the promoters of the proposed allocations to provide evidence on a range of topics in order to help support their allocation. In our submission that approaches the preparation of the Local Plan in the wrong manner. The allocations should not be selected and then evidence prepared or supported to justify them. The allocations (and other policies for that matter) should be the output of the evidence.
- 2.76 However MSDC's approach is also flawed because the nature of the submissions² varies from site to site. Some of the submissions include just an email from the promoter, whereas for others, additional documents are provided.

¹ <https://www.midsussex.gov.uk/planning-building/development-plan-documents/site-allocations-dpd-evidence-library>
<https://www.midsussex.gov.uk/planning-building/mid-sussex-district-plan/examination-library/>

² <https://www.midsussex.gov.uk/planning-building/development-plan-documents/site-allocations-library/>

2.77 Without the necessary evidence, or up to date evidence, a number of issues then arise:

- How can it be established that the Plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
- The nature of the evidence does not allow for robust assessments against all technical matters, or based on up-to-date evidence
- The assumptions made in the Sustainability, and the criteria, cannot be supported

2.78 Notwithstanding our responses to the specific issues raised by the Inspector, we comment that it is essential for the LPA to be able to provide the necessary evidence to support its allocations.

2.79 The proposed SADPD continues to make allocations at lower tier settlements than Pease Pottage and we maintain the view that the Council should make use of sites in sustainable locations which can also serve wider cross-boundary issues such as the unmet need from Crawley, and locating new homes close to that very sustainable settlement. The Council has arbitrarily discounted sites from the assessment process on the premise that Pease Pottage has accommodated the growth required by the District Plan, yet the SADPD (and the Inspector's question 3.2(ii) reveals that MSDC has been willing to direct growth to settlements where the minimum requirements in the District Plan.

(i) the willingness (or otherwise) of the landowner(s) to implement their sites on the basis of the relevant policy

2.80 So far as we can establish, there is no evidence to demonstrate the expected delivery rates of the proposed allocations.

(ii) safe and secure access, which can be provided within the ownership of the allocated site, or does the scheme rely on the acquisition of off-site land

2.81 In relation to proposed allocation SA24, we understand that the access for this site is through an adjacent parcel of land which has a ransom strip over this land. The deliverability of this site is therefore in doubt unless a right of access can be confirmed by the site owners.

(iii) any conflict with a made Neighbourhood Plan

2.82 No comment.

(iv) any conflict with national planning policy

2.83 No comment.

(v) any significant infrastructure considerations, including vehicular access, traffic circulation and highway and pedestrian safety, flooding, drainage and sewerage implications; are any of these 'showstoppers'

2.84 No comment.

- (vi) any significant impact on the living conditions of neighbouring occupiers, or future occupiers of the proposed development**
2.85 No comment.
- (vii) any significant impact on the quality of the landscape, e.g. the integrity of any green gaps, and the ecology of the site and the surrounding area, and proximity to ancient woodland**
2.86 No comment.
- (viii) any impact on Conservation Areas, heritage assets or areas of archaeological significance**
2.87 No comment.
- (ix) access to shops, schools, health provision and services, community facilities, public transport and employment, i.e. is the location sustainable**
2.88 No comment.
- (x) contamination or other ground or stability issues**
2.89 No comment.
- (xi) any other material considerations which could impact on the sustainability of the proposed allocation?**
- 2.90 We note that proposed allocation SA30 is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.
- 2.91 We note that proposed allocation SA31 is located within the Building Stone (Cuckfield) Mineral safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.
- 2.92 We note that proposed allocation SA32 is located within the Building Stone (Cuckfield) Mineral safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.
- 2.93 We note that proposed allocation SA33 is previously developed land, yet all other sites at Ansty appear to have been discounted whereas site SA31 was supported because it comprises PDL, however that should not be seen as a 'silver bullet'. If a site's location is unsustainable, that not remedied by it being PDL.
- 2.94 There are a number of proposed allocations in the SADPD where the capacity has reduced in comparison to that assumed in MSDC's September 2019 Viability Review (IV2) and as such we submit that updated evidence is required to demonstrate that the sites are viable.

2.95 We note that the Viability Report (paragraph 5.11) states:

“There are several exceptions. The sites at Ansty Cross Garage, Cuckfield Road, St. Wilfrids Catholic Primary School, School Close, Land to the south of Selby Close, Hammonds Ridge and at Withypitts Farm, Selsfield Road are not shown as viable. These have a capacity of 240 units which is less than 10% of the planned development. These are brownfield sites, being on previously developed land. The analysis on these types of site uses a higher BLV and, in some cases, are based on a greater element of flats (that are more expensive to build).”

2.96 Paragraph 6.5 of IV2 then explains:

“The Council should be cautious about relying on these sites for housing delivery without some further investigation.”

2.97 As far as we can establish, no such investigations have been published.

3.4 Five Year Housing Land Supply: Would the Plan at adoption be able to demonstrate that it has a five-year supply of specific, viable and deliverable sites to achieve the Plan’s requirements?

2.98 This is both a critical question and yet one which is extremely complex.

2.99 The reason why the question is so critical is because the Plan should be capable of providing a five year supply at adoption, but also throughout the Plan period.

2.100 However in this case, the evidence before the Examination does not provide any explanation as to how the housing trajectory (in Document H2) has been calculated. We acknowledge that there is a trajectory provided in Document MSDC-01 for those sites allocated under Policies DP8, DP9, DP10 and DP11, however there is no explanation as to how that has been calculated either.

2.101 It is clear from the trajectory in Document H2, that MSDC expects delivery rates to be above the stepped housing trajectory until the end of 2024/25, although we have not had sight of the assumptions or evidence which have informed that conclusion.

2.102 The trajectory in Document H2 also clearly demonstrates that from 2025/26 onwards, forecast delivery rates fall below the annual housing requirement.

2.103 We acknowledge that Document H2 does refer to a questionnaire sent to site promoters, however that does not appear to have been published and so the responses cannot be interrogated and we cannot comment further.

2.104 In our submission, the evidence does not demonstrate that the Development Plan will maintain a five year supply at the point of adoption, or throughout the Plan period, because there is no material to show how the trajectory has been calculated.

2.105 Accordingly, it cannot be established that the Plan is consistent with paragraph 67 of the NPPF 2019.

3.5 Is the reliance in the Plan on windfall sites [504 over the rest of the plan period] realistic?

- 2.106 The first point to note is that it is disappointing that MSDC has increased its reliance upon windfall sites (Policy DP4 of the District Plan assumed 450 dwellings), compared to 504. This is particularly concerning given the shorter Plan period remaining.
- 2.107 However it is made even more concerning bearing in mind that the windfall allowance of 504 dwellings is not a revised figure for the Plan-period as a whole, but for the remaining period.
- 2.108 In contrast, Policy DP4 of the District Plan shows a windfall allowance of 450 dwellings through the Plan-period.
- 2.109 Critically, if fewer dwellings were provided through windfall sources than now expected, this would further reduce any buffer to the minimum housing requirement.

3.6 Additional sites: Bearing in mind the above considerations, and the requirement of paragraphs 67 and 68 of the Framework, should the Plan identify an increased number of specific, deliverable sites in the form of housing allocations?

2.110 Yes, for the following reasons:

- The District Plan housing requirement is expressed as a minimum requirement. It is not a target to be achieved, but to be exceeded (otherwise the word 'minimum' is superfluous);
- Even on MSDC's 'best case' scenario, where all of the supply, including commitments, SADPD allocations and the (increased) windfall allowance is taken into account, that is only 2.95% more than the minimum requirement of the District Plan and is extremely marginal;
- The achievement of the minimum housing requirement is premised on the North and North West Burgess Hill allocation delivering. Document MSDC-01 now expects 2,787 dwellings to be delivered in the plan period up to 2031;
- There is an increased reliance upon windfall sites;
- There is a significant unmet housing need arising from neighbouring authorities, namely Crawley, and irrespective of whether the housing requirement is increased in Mid Sussex, there is a significant spatial planning justification to ensure that housing requirements in the District are achieved so as to support the wider sub-region and its associated economic growth.
- In fact, if the housing requirement for MSDC is not increased to account for the greater unmet housing needs of neighbouring authorities, that reinforces the need to ensure that MSDC's housing requirement is achieved (given the functional relationship of MSDC and those other authorities in Housing Market Areas);

- The Council only provided a trajectory for the four sites allocated under Policies DP8, DP9, DP10 and DP11 of the District Plan, but there is no indication as to how that has been calculated;
- There is no such trajectory for the other sources of supply and no indication as to how MSDC has calculated the quantum of development to be delivered to 2031;
- Even a slight slip in housing delivery, or the delay of sites represents a very real prospect that the minimum housing requirement will not be achieved;
- Even fairly minor changes in site capacity could have dramatic consequences for achieving the 'minimum' housing requirement; and
- The evidence does not demonstrate that the Plan will provide a five year housing land supply at adoption or throughout the Plan-period.

3.7 Has an allowance been made for non-delivery of planning permissions for new dwellings, and if so, what is it?

2.111 This question is linked to others in Matter 3, for example flexibility/buffer in 3.1(ii), and non-implementation in question 3.1(iii).

2.112 So far as we can establish, no such allowance has been made.

2.113 The reason for that response is that the SADPD and its associated evidence base appears to include all the sources of supply.

2.114 Our calculations and explanation is set out below:

- Document H5 shows commitments (on large sites of 5+ dwellings) at April 2020 of 9,689 dwellings
- Table 1 of Document H2 then includes a figure of 9,689 dwellings from commitments in explaining how the supply of 16,894 dwellings is achieved during the Plan period
- There is no suggestion that the commitments have been reduced to take account of non-delivery
- Policy SA10 of the SADPD allocates sites for 1,764 dwellings
- Table 1 of Document H2 then includes a figure of 1,764 dwellings from SADPD allocations in explaining how the supply of 16,894 dwellings is achieved during the Plan period
- There is no suggestion that the SADPD allocations have been reduced to take account of non-delivery

2.115 In the absence of that certainty and flexibility, we reiterate the concerns at paragraph 2.42 of this Statement.

3.8 Qualitative aspects of housing supply: Is there a need for any qualitative parameters for housing provision in the Plan, such as provision for affordable housing, starter homes, older persons' accommodation (Use Class C2), care homes, accessible housing, student housing, self-build housing and accommodation for gypsies and travellers; on the latter point, does the Plan enable the implementation of District Plan policy DP 33 [Gypsies, Travellers and Travelling Showpeople]?

2.116 No comment.

3.9 Is the range of the size of housing allocations in the Plan appropriate to address the qualitative requirements of the District?

2.117 No comment.

3.10 Are there any other housing issues which this Plan should be addressing?

2.118 No comment.

Turley Office
The Pinnacle
20 Tudor Road
Reading
RG1 1NH

T 0118 902 2830

Turley