

**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):**

**(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?**

3.1.1 The table below sets out our understanding of MSDC’s position on the residual requirement when the District Plan was adopted, and that now required given subsequent completions and new permissions etc.

JAA table 1 – How policy SA10 compares to the policy DP4 of the adopted Development Plan.

		Adopted LP - Policy DP4	Site Allocations DPD - Policy SA10
a	District Plan Minimum Requirement	16,390	16,390
b	Completions	2,410 April 2014 to March 2019	4,917 April 2014 to March 2020
c	Outstanding requirement	13,980	11,473
d	Total Housing Commitments <sup>1</sup>	7,091	9,689
e	Strategic development north & north-west of Burgess Hill	3,500	Now in commitments
f	Land north of Clayton Mills, Hassocks	500	Now in commitments
g	Windfall Allowance	450	504
h	Sum of d to g	11,541	10,193
	Residual requirements/ Number of dwellings to be provided through a Site Allocations DPD	2,439	1,280

3.1.2 The question of whether the residual requirement is supported by the evidence base is a matter that can only be resolved through the answers to the remaining questions raised in matter 3. We thus return to this issue at the end of this statement.

**(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**

<sup>1</sup> Including sites with planning permission, strategic development at Kings Way, Burgess Hill (DP8) and Pease Pottage (DP10) and allocations in made Neighbourhood Plans.

**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?**

- 3.1.3 No we do not believe the suggested buffer of 484 dwellings over the residual housing requirement is a sufficient buffer to ensure there is enough flexibility in the housing land supply over the plan period.
- 3.1.4 As set out in our reps on the Reg 19 Plan this is just 2.95% above the minimum District requirement of 16,390. It is also only 4.2% above the outstanding requirement that exists when completions to date have been accounted for. To measure it against the minimum residual requirement and suggest it provides for a buffer of 37.8% above the minimum residual requirement is in our opinion illogical unless the plan has already made provision for non delivery of proposed commitments – which other than a 40% discount for non delivery of small site<sup>2</sup> MSDC do not do. Thus, the approach adopted to the suggested buffer has in our opinion been applied incorrectly.
- 3.1.5 The advice in para 11a of the NPPF is clear in terms of the need for local planning authorities to *‘positively seek opportunities to meet the development needs of their area’* and to *‘be sufficiently flexible to adapt to rapid change’*. Para 16 (b) of the NPPF is also clear in that *‘Plans should be prepared positively, in a way that is aspirational but deliverable’*; whilst para 35a makes it clear that: *‘Plans are ‘sound’ if they are: a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs.’*
- 3.1.6 The housing requirement set out in policy DP4 of the adopted Development Plan was not a maximum figure. It was a minimum requirement. Policy DP4 is clear in this regard.
- 3.1.7 Given the above the suggested buffer of 484 dwellings should in our opinion, as a minimum, be measured against the outstanding requirement taking account of completions i.e. 11,473, and the Site Allocations Plan should, as a minimum, look to deliver a buffer of at least 10% above that figure i.e. circa 1,147 additional dwellings so as to provide a realistic level of flexibility to allow it to adapt to rapid change. The lack of flexibility in MSDC’s housing supply leads us to question whether the Plan complies with national policy.
- 3.1.8 Additional allocations could be made through a review of the sites promoted in the SHELAA and the extent to which suggested constraints could be addressed – as set

<sup>2</sup> See para 4.14 of the Housing Land Supply - 5 year Housing Land Supply Statement December 2020, which is not in the examination library - <https://www.midsussex.gov.uk/media/5995/5-year-supply-combined.pdf>

out in our reps on the Reg 19 Plan.<sup>3</sup> To this end we note that MSDC in TP3 acknowledge at para 7.6 that a degree of professional judgement was required when undertaking the detailed site assessments as the criteria were not assumed to be of 'equal weight', and at para 7.10 that whilst for some of the excluded sites '*some, mitigation may have been possible*', it was judged that the chosen sites were better performing, as this was a matter of professional judgement, others could come to a different conclusion. In this respect we would highlight the fact that the basis upon which the land west of Turners Hill Road was excluded at stage 3 of the site selection process was we believe misjudged and fails to take into account our representations which clearly indicated factual inaccuracies in MSDC's position, and the fact that alleged impacts could be addressed though appropriate mitigation.

3.1.9 As para 73 of the NPPF relates to 5 year HLS we do not believe the buffer suggested is excessive or prejudicial to MSDC's 5 year HLS situation. As set out below we do not actually believe a 5 year HLS has been robustly demonstrated by the evidence that has been placed before this examination.

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

3.1.10 Yes an allowance for non-implementation should be built into the Plan. Not all sites will deliver as planned, and whilst MSDC accept this as far as small sites of 1 – 4 units are concerned, they make no allowance for the non delivery of larger sites. As set out in our reps on the Reg 19 Plan we believe a 10% allowance for non-delivery will help to address any potential shortfall against the minimum housing requirement. This would in our opinion be easily achievable given the sites identified in the SHELAA and would provide for significant benefits in terms of MSDC's HLS situation.

**(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?**

3.1.11 We note that in response to ID-01, MSDC have in MSDC01 sought to comment upon the deliverability of the strategic sites identified in policies DP9, DP10, DP11 and DP12. Having regard to section 3 of MSDC01 we would proffer the following:

DP 8 – East of Burgess Hill at Kingsway (480 units)

3.1.12 No comments

<sup>3</sup> NB the Inspector Bore when examining the District plan made the point that further sites might be made available through a re-evaluation of mitigation measures or other adjustments – see para 75 of Inspector Bore's report of March 2018 and p9 of ID11 (Feb 2017)

DP10 – East of Pease Pottage

- 3.1.13 Whilst noting p18 of MSDC01 we would question the delivery rates of 187 and 158dpa in 2020/21 and 2021/22 – even with 2 outlets, and would suggest MSDC provide evidence to substantiate this, a point we return to in terms of the 5 year HLS at 3.4 below.

DP11 – Clayton Mills

- 3.1.14 Whilst noting the comments on p19 of MSDC01 we would, as a RM application is not due to be submitted until June 2021 at the earliest, question completions in 2022/23 given the need for the RM to be approved and any DoC to be cleared, especially in the light of previous legal challenges. Again this is a point we return to in terms of the 5 year HLS at 3.4 below.

DP9 NW Burgess Hill

- 3.1.15 We would, as we did at the District Plan examination, question the delivery rates anticipated from this site.
- 3.1.16 In the first instance we note that p20 of MSDC 01 shows 77 completions in 2020/21. This does not tally with any of the supporting text or with the information within the 5 year HLS report.
- 3.1.17 Nor does the total for 2021/23, when only Freeks Farm appears to be delivering according to MSDC01 and the 5 year HLS document. Thereafter the combined figures for Freeks Farm and phase 1 as provided within the 5 year HLS document do not tally with the figures provided within MSDC01. As set out in the table below

JAA Table 2 – summary position of what MSDC say will be delivered at Freeks Farm and phase 1 of Northern Arc

		20/21	21/22	22/23	23/24	24/25
a	Delivery trajectory	77	212	264	275	266
b	Freeks farm		80	130	114	121
c	Phase 1 - see 5yr HLS doc			135	157	257
	b + c		80	265	271	378

- 3.1.18 In the context of the above we note that the Northern Arc Infrastructure Delivery Plan (IDP) and Phasing Strategy (2018) that was approved at the Mid Sussex District Council Cabinet Meeting on 24th September 2018 as a material consideration for all the planning applications in relation to the Northern Arc, and which is referred to in MSDC1 (p22) suggests a very different phasing strategy to that now advocated by MSDC – as set out below.

JAA for Wates Developments Limited  
 JAA ID: 791  
 Mid Sussex Local Plan 2014-2031  
 Site Allocations Development Plan Document Examination  
 Matter 3: The Quantitative and Qualitative Aspects of Housing Provision

Trigger / Sequencing	Phase 1					Phase 2			Phase 3				Phase 4			
	2020 /21	2021 /22	2022 /23	2023 /24	2024 /25	2025 /26	2026 /27	2027 /28	2028 /29	2029 /30	2030 /31	2031 /32	2032 /33	2033 /34	2034 /35	2035 /36
Dwellings Per Annum	75	125	175	225	275	275	275	275	275	275	275	275	250	200	150	100
Dwellings On Site (Cumulative)	75	200	375	600	875	1,150	1,425	1,700	1,975	2,250	2,525	2,800	3,050	3,250	3,400	3,500
Estimated On Site Population	172	459	860	1,376	2,007	2,638	3,269	3,899	4,530	5,161	5,792	6,423	6,996	7,455	7,799	8,028

3.1.19 Given the above as well as the fact the site has already been seen to be delivering 20% less than predicted in the District Plan over the plan period<sup>4</sup> and still remains a substantial part of the overall housing requirement,<sup>5</sup> MSDC need to clarify what is deliverable from this site within the plan period.

3.1.20 In the context of the above we note that Lichfields report - Start to Finish: How Quickly do Largescale Housing Sites Deliver? (second edition (Feb 2020)), explains at figure 3 that the average time taken from gaining outline permission to completion of the first dwelling on site (years), for sites of 2000 (+) dwellings is 2.5 – 2.9 years, and at figure 4 that the average timeframes from validation of first application to completion of the first dwelling for sites of 2,000 (+) dwellings is 8.4 years. On this basis whilst noting the land at Freeks Farm has permission for 460 dwellings and that North Burgess Hill has outline consent for 3040 dwellings it would be mid 2022 at the earliest before any completions take place. In addition, it would take a couple of years for delivery rates to gain momentum. Start to Finish: suggests that average build out rates for sites of 2,000 (+) are generally only 160dpa max so the predicted 200(+) from 2020 in MSDC01 and from 2023/24 in the agreed Northern Arc Infrastructure Delivery Plan (IDP) and Phasing Strategy would appear to be overly optimistic. Even assuming 3 outlets anything above 200dpa would in our opinion be unrealistic, such that we believe this site can at best only deliver circa 1,660 dwellings over the plan period – not the 2,787 MSDC suggest. A shortfall of 1,277 dwelling. Thus, additional sites need to be allocated to address any shortfall.

<sup>4</sup> 2,787 is 713 less than the 3,500 predicted or put another way a 20% shortfall.

<sup>5</sup> 2,787 is 17% of 16,390 / 24% of the residual requirement given the 5 yr. HLS document suggests 4,917 dwellings were delivered between 2014/15 and 2019/20 leaving a residual requirement of 11,473 (16,390-4,917=11,473).

### **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;**

**(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?**

**(iii) Strictly controlling development in the open countryside;**

**(iv) Maximising the re-use of previously developed sites which are sustainably located; and**

**(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?**

3.2.1 In the first instance, we would submit that it is clear that 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, do not accord with the principles of sustainable development, set out in policies DP4 to DP6 of the District Plan. Whilst directing growth to the category 1 settlements will at face value promote the principles of sustainable development, the fact is the level of growth directed to the category 2 and 3 settlements is, as set out in policy SA11 and table 2.5, significantly less than that identified in table 2.4 of the Site Allocations DPD as the updated minimum residual housing figure for that settlement category, and the figure set out in policy DP4 of the District Plan. As is evident in table 3 below.

JAA table 3 – How Tables 2.4 and 2.5 of policies SA10 & SA11 compare and relate to policy DP4 of the adopted District Plan.

Settlement category	Minimum Residual Requirement as set out in Policy SA10 (Table 2.4)	Number of dwellings proposed in policy SA11 (Table 2.5)	Difference between tables 2.4 and 2.5	Difference between table 2.5 and Minimum Residual Requirement set out in policy DP4 of the District Plan
1	706	1,409	+703	+137 1,409-1,272 Or put another way 10.7% more than identified in policy DP4
2	198	105	-93	-733 105-838 Or put another way 87.5% less than identified in policy DP4
3	371	238	-133	-73 238-311 Or put another way 23.5% less than identified in policy DP4
4	5	12	+7	-6 12-18 Or put another way 33.3% less than identified in policy DP4
<b>Total</b>	<b>1,280</b>	<b>1,764</b>	<b>+484</b>	<b>-675</b> <b>1,764 – 2,439</b> Or put another way 27.7% less than identified in policy DP4

3.2.2 As Strategic Objectives 9 and 10 of the District Plan are: ‘*To create and maintain town and village centres that are vibrant, attractive and successful and that meet the needs of the community*’ and ‘*To support a strong and diverse rural economy in the villages and the countryside*’ we fail to see how reducing the level of growth directed to the category 2 and 3 settlements will maintain the vitality and viability of these settlements and the services within them, and thus support the sustainable growth of the district.

3.2.3 Whilst, MSDC have in their response to ID-01 (see MSDC01) sought to comment upon the spatial distribution of development in section 4<sup>6</sup>, their suggestion *that ‘the updated residual figure accounts for commitments and completions over the whole plan period’*; and that *‘whilst it may appear that some settlements are taking disproportionate levels of growth within the Sites DPD, it is important to look at the*

<sup>6</sup> Nb the reference in para 1 of section 4 to document H3 should be qualified – this is the report submitted by MSDC to the DP examination and does not reflect the final should requirement so if anything confuses rather than assists this examination.

*level of growth across the plan period as a whole from all sources of supply (e.g. District Plan allocations, Neighbourhood Plan allocations, planning permissions'* nowhere in the evidence base do MSDC clearly set out how the figures in table 2.5 relate to policy DP4 and what has been consented. As set out in our reps on the Reg 19 Plan the residual requirement being directed to the category 2 settlements needs to be justified in the context of what has been consented / built in the category 2 settlements since the Local Plan was adopted, and also needs to be reviewed in the context of our position on the need for the Site Allocations DPD to look to deliver more than required by policy DP4 of the adopted Local Plan so as to assist MSDC in their overall HLS. A simple table as set out below, with accompanying appendices for each settlement would suffice.

Settlement category	Minimum residual requirement from 2017 DP	Subsequent completions	Subsequent consents under construction	Subsequent consents yet to commence	Residual requirement

- 3.2.4 One of the main modifications to the District Plan following its examination was to the spatial strategy in Policy DP6 and the related text to provide a better structure for the distribution of housing. This included a requirement, as set out on p36 of the District Plan, that MSDC update the position annually in the AMR. This MSDC have not done and as a result it is not possible to establish how the updated residual figure accounts for commitments and completions over the whole plan period, and whether the residual figure is justified in the context of national government guidance.
- 3.2.5 As set out in our reps on the Reg 19 Plan, as a category 2 settlement we believe that Crawley Down could accommodate more growth without prejudice to the local environment and find it somewhat counter intuitive that the Site Allocations DPD looks to allocate more development in less sustainable and more environmentally constrained areas, including sites within the AONB in category 3 settlements, than it does in the more sustainable and less constrained category 2 settlements. There is nothing in the evidence base that justifies this approach.
- 3.2.6 Given the above we would suggest that policy SA11 looks to allocate additional sites within the category 2 settlements to help address the mismatch in the housing supply and at the same time provide for more flexibility in the supply. This would signal a more positive approach to plan making in accordance with the aims and objectives of the NPPF.



### **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:**

- (i) the willingness (or otherwise) of the landowner(s) to implement their sites on the basis of the relevant policy;**
- (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;**
- (iii) any conflict with a made Neighbourhood Plan;**
- (iv) any conflict with national planning policy;**
- (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’;**
- (vi) any significant impact on the living conditions of neighbouring occupiers, or future occupiers of the proposed development;**
- (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;**
- (viii) any impact on Conservation Areas, heritage assets or areas of archaeological significance;**
- (ix) access to shops, schools, health provision and services, community facilities, public transport and employment, i.e. is the location sustainable;**
- (x) contamination or other ground or stability issues; and**
- (xi) any other material considerations which could impact on the sustainability of the proposed allocation?**

**The housing allocations to which considerations (i) to (xi) apply are set out below:**

3.3.1 At para 1.15 of our reps on the Reg 19 Plan we commented upon the evidence provided within the Site Allocations DPD to demonstrate the deliverability of 3 sites:

- Policy SA16 Land St Wilfrid’s Catholic Primary School, School Close, Burgess Hill - 200 dwellings.
- Policy SA20 Land South and West of Imberhorne Upper School, Imberhorne Lane, East Grinstead - 550 dwellings.
- Policy SA22 Land North of Burleigh Lane, Crawley Down - 50 dwellings.

3.3.2 We note that in response to ID-01, MSDC have in MSDC01 sought to comment upon the deliverability of the proposed allocations in section 5 of their response.

3.3.3 Having regard thereto we would proffer the following:

Policy SA16 Land St Wilfrid’s Catholic Primary School

3.3.4 P35 of MSDC01 suggests the whole site is within WSCC ownership – that is not our understanding, and does we believe require clarification as it goes to the heart of deliverability.

- 3.3.5 In addition, we note that MSDC01 does not, on p35 or p45, comment upon the fact redevelopment would require relocation of the existing school and the associated effect this could have on the deliverability/ phasing strategy for this site - points i and xi above.

Policy SA20 Land South and West of Imberhorne Upper School

- 3.3.6 Whilst promoted by a strategic land promoter, we note that MSDC01 does not, on p37 or p47, comment upon the fact redevelopment would require relocation of the existing school and the associated effect this could have on the deliverability/ phasing strategy for this site - points i and xi above.
- 3.3.7 As we have said before this is a major site that requires the relocation of a school and significant new infrastructure works [points i, v and xi] and MSDC need to demonstrate that all 550 dwellings can be delivered within the plan period.

Policy SA22 Land North of Burleigh Lane

- 3.3.8 Whilst p38 of MSDC01 suggests that this site is being promoted by the landowner and a site promoter and that there has been on going engagement with the LPA, we note no reps supporting the allocation were made at Reg 19 and that as far as the issue we and others have raised about the deliverability of the access (point ii above), MSDC01 on p48 of MSDC01 merely state that legal agreements are underway to secure the site access. This suggests it is not secure at present, and thus cannot be said to be deliverable in NPPF terms. To this end we understand that there is 'intervening access land', such that the site can not be bought forward until such time as this matter is resolved. No evidence has been proffered to suggest it has been resolved.

**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?**

3.4.1 Whilst, MSDC have now published an AMR (ref O1) and a Housing Land Supply - 5 year Housing Land Supply Statement December 2020, neither provide clarity on the 5 year HLS situation upon adoption of the Site Allocations DPD.

3.4.2 The 5 year Housing Land Supply Statement December 2020 provides an indication of the position for the period 2020/21 – 2024/25 – the current 5 year period. On the basis the Site Allocations DPD is, according to the AMR, due to be adopted in summer 2021, the position for 2021/22 – 2025/26 needs to be confirmed.

3.4.3 As to the position for the period 2020/21 – 2024/2 we note that MSDC suggest they have 5.37 yrs. supply/ a surplus of just 374 units. Having reviewed appendix 3 of the 5 year Housing Land Supply Statement December 2020 we would question the assumptions made as to the delivery rates to be expected at:

- Major sites with full PP under construction – Land west of Freeks Lane Burgess Hill – 455 units in years 1-5
- Major sites with Outline Planning Permission:
  - o Phase 1, North Arc, Burgess Hill – 549 units in years 1-5
  - o Land north of Clayton Mills, Hassocks 150 units in years 1-5
  - o Land to rear of Friars Oak London Road Hassocks – 130 units in years 1-5
  - o Hardriding Farm, Pease Pottage Phase 4 - 277 units in years 1-5

3.4.4 Cumulatively these 6 sites provide for 1,761 units in the 5 year period which is just over 32% of the supply. However nowhere in the evidence base is the councils rational for assumed delivery rates set out by reference to an agreed position with those promoting these sites. The summary position set out in appendix 3 of the 5 year Housing Land Supply Statement December 2020 does not in our opinion reflect the requirements of the NPPF.

JAA table 5 – JAA overview of delivery rates anticipated by MSDC within the 5year Housing Land Supply Statement

Site	Nos of units in years 1 – 5 <sup>7</sup>	MSDC rational	JAA response
Major sites with full PP under construction			
Land west of Freeks Lane Burgess Hill	455	Construction on site has commenced. Email confirmation of delivery rates.	Build out rates of 100(+) pa far exceed what has been achieved in Mid Sussex in recent years – see appendix 2 of 5yr HLS statement – max was 89dpa. MSDC need to provide a copy of the email evidence they have received so it can be fully assessed.

<sup>7</sup> As set out in the Housing Land Supply - 5 year Housing Land Supply Statement

JAA for Wates Developments Limited  
JAA ID: 791  
Mid Sussex Local Plan 2014-2031  
Site Allocations Development Plan Document Examination  
Matter 3: The Quantitative and Qualitative Aspects of Housing Provision

			Assuming 2 outlets we would suggest 420 is the max this site could deliver in years 1-5 – so minus 25
<b>Major sites with Outline Planning Permission</b>			
Phase 1, North Arc, Burgess Hill	549	REM for western link road approved and construction to start early 2021.	Construction of the western link road will not in itself equate to housing completions. Again, the build out rates at 130dpa (+) far exceed what has been achieved in Mid Sussex in recent years. What evidence do MSDC have to support these build out rates. We believe that even assuming 2 outlets at 60dpa each the maximum this site will deliver by 2024/25 will be 300 – not 549 – so minus 249 <sup>8</sup>
Clayton Mills, Hassocks	150	This site is allocated for development in the adopted District Plan. Outline planning permission granted March 2020. Site currently being marketed to potential developers.	As a developer has to compile a RM application, that has to be determined by MSDC and then DoC apps determined before a start on site it is in our opinion highly unlikely that units will be delivered here until 2023 – a year as MSDC suggest – so minus 50 units
Friars Oak London Road Hassocks	130	Footpath diversion application submitted, and objections raise. With PINS for determination	The order was submitted on the 05 October 2020. Pin's guidance suggests that from receipt of the order, they aim to issue a decision on cases which proceed by way of written representations within 37 weeks. Recent correspondence on MSDC's web site suggests all statements on the footpath diversion need to be submitted by the 3 <sup>rd</sup> August 2021 <sup>9</sup> It is unlikely a RM app will be made until the footpath diversion order is resolved – thus in reality if a RM is submitted towards the end of 2021, and determined in spring 2022, with DOC apps, delivery may well not start until 2024 – so minus 50 units
Hardriding	277	REM pending	Amended plans were submitted in

8

	20/21	21/22	22/23	23/24	24/25	Total
MSDC position	0	0	135	157	257	549
JAA position	0	0	60	120	120	300

9

[https://padocs.midsussex.gov.uk/PublicAccess.websearch/\(S\(5zu2uecrp2fgmj13veafok4z\)\)/Results.aspx?gridResultsSort=Date%20Received&gridResultsSortDir=Desc](https://padocs.midsussex.gov.uk/PublicAccess.websearch/(S(5zu2uecrp2fgmj13veafok4z))/Results.aspx?gridResultsSort=Date%20Received&gridResultsSortDir=Desc)

Farm, Pease Pottage Phase 4		consideration	March 2021 – the application remains pending. In reality delivery will be pushed back 1 year now, so minus 32 units
<b>Total</b>	<b>1761</b>		<b>1354</b> <b>- 406</b>

- 3.4.5 Given the above we believe, on a very cursory assessment of the current position that rather than a 5 year supply MSDC actually have a 5yr deficit, such that additional small to medium sites need to be allocated to address this deficit now.

JAA table 6 – JAA summary position on 5 year HLS relative to MSDC

	MSDC	JA
A list		
Minor Sites with Planning Permission 5 - 9 units	95	95
Minor Sites with Planning Permission 1 - 4 units	253	253
Major Sites (10 + units) with detailed Planning Permission (Full and REM applications)	3,493	3,468
B list		
Outline permission for Major development	1,257	876
Allocated in Development Plan	261	261
Total Housing Supply in years 1 - 5	5,359	4,953

	MSDC	JA
Total Housing Supply in years 1 - 5	5,359	4,953
Total five year supply requirement	4,985	4,985
Supply surplus / deficit	+374	-32
<b>Five year land supply</b>	<b>5.37</b>	<b>4.97</b>

- 3.4.6 In the context of the above we note that in his report on the District Plan, Inspector Bore noted at para 37 that the Council's evidence, based on information as at 21 July 2017, indicated that there was 5.2 years' supply of housing; and that it was very important that the plan had resilience should, for example, one of the sites take longer to start or is slower to deliver, and *'to this end this plan, and the forthcoming Site Allocations DPD, need to ensure not only that a 5 year supply of housing exists at present, but that a rolling 5 year housing supply can be maintained in the future.'*
- 3.4.7 Page 30 of the District Plan makes it clear that the Site Allocations DPD 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. Given the above, MSDC need to justify their position vis a vis the 5 year HLS so as to ensure the plan accords with the aims and objectives of the District Plan and the tests set out in para 35 of the NPPF.

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

- 3.5.1 We would question what evidence MSDC have to justify a windfall allowance of 504 dwellings over the remaining plan period (to 2031). Whilst noting the content of the Windfall Study Update (July 2020) (ref H1) suggests windfalls have on average amounted to 64 to 106dpa for sites of 1 -9 units (which is the range accepted in the adopted development plan), it is of note that the annual windfall rates set out in tables 1 and 2 of the Windfall Study Update show a reduction of windfalls following the adoption of the local plan in March 2018 – which is what one would expect when a clear policy position is adopted against which sites should come forward. On this basis there can be no guarantees that past rates will return, especially in the current climate, such that we do not believe there is compelling evidence to increase the windfall rate from the 450 mentioned at p30 of the District Plan to 504 dwellings. Indeed we would go as far as to question whether the 450 mentioned in the District Plan is now robust.
- 3.5.2 Paragraph 70 of the NPPF is clear that:  
*Where an allowance is to be made for windfall sites as part of anticipated supply, there should be **compelling evidence** that they will provide a **reliable source** of supply. Any allowance should be **realistic** having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends....*. We have seen no evidence to this effect and as such believe the figure should remain 450 dwellings and that additional sites should be allocated to address the shortfall.
- 3.5.3 In addition to the above it is noted that the proposed windfall allowance, whether its 504 dwellings or 450 exceeds the combined total of the proposed housing allocations in the Site Allocations DPD within the Category 2 and 3 settlements.
- 3.5.4 Windfalls by their very nature are unpredictable and cannot be assumed to come forward in suitable locations or yield a sufficient number of homes to account for any shortfalls resulting from non-delivery of the proposed allocations – both those in the adopted plan and the Site Allocations DPD. In addition, they have the propensity, given they normally occur on brownfield sites in larger (category 1) settlements, to skew further the over reliance on the category 1 settlements.
- 3.5.6 Thus not only is the reliance on windfalls unjustified, but it does, together with the approach adopted in general in the Site Allocations DPD, skew growth towards the category 1 settlements thus prejudicing the spatial distribution strategy that the District Plan is founded upon.
- 3.5.7 Given the above we would suggest that rather than rely on non-identified sources of housing growth (which by their nature are unpredictable in relation to the realisation of the spatial strategy) to plan more effectively by identifying additional sites for allocation in the Site Allocations DPD in the category 2 and 3 settlements.

**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?**

- 3.6.1 Quite simply – yes it should, and the land west of Turners Hill Road, Crawley Down (SHELAA site ref 1002 or 622) would, as set out in our reps on the Reg 19 Plan, be ideally situated to help in this regard. In this respect, having regard to the questions raised at 3.3 above we can confirm that:
- (i) Wates have been actively promoting this site for some time.  
Site 688 is available for development and can be brought forward as a whole to provide for 300 dwellings and associated facilities, or on a gradual basis – subject to a site wide masterplan.  
Site 1002 which forms a small part of site 688 is also available for development as a standalone development or as the first phase of a larger development encompassing all of site 688 and could accommodate circa 30 - 50 dwellings.
  - (ii) Safe and secure access within Wates control is available to both sites – as evidenced in our Reg 19 reps. WSCC as the highway authority have been consulted on these and raised no objections.
  - (iii) Any development in excess of 30 dwellings on the edge of Crawley Down conflicts with the made Neighbourhood Plan – the position is thus no different to that associated with the proposed allocation at Burleigh Lane (SA22)
  - (iv) There is no conflict with national planning policy.
  - (v) There are no significant infrastructure considerations, including vehicular access, traffic circulation and highway and pedestrian safety, flooding, drainage, and sewerage implications associated with either site.
  - (vi) There would be no significant impacts on the living conditions of neighbouring occupiers, or future occupiers of the proposed development.
  - (vii) There would be no significant impact on the quality of the landscape or the ecology of the site and the surrounding area. As set out in our Reg 19 reps the proposed masterplan is landscape led – it retains existing trees and hedgerows where ever possible and provides for generous structural planting and landscape buffers to soften the edge of the development, it also provides for an integrated landscape, drainage and ecological strategy that provides suitable buffers to adjacent areas of ancient woodland, protects wildlife corridors, links existing corridors and creates new corridors, so as to create biodiversity net gains.
  - (viii) Neither site is not located within, adjacent to or near a Conservation Area, any heritage assets, or areas of archaeological significance.
  - (ix) Site 1002 is located within a 10 minute walk of most services in Crawley Down, which as a category 2 settlement benefits from a range of local services – as set out in our comments on question 3.2 above. It and site 688 are situated in a sustainable location. In addition, the proposed masterplan provides for a development that is permeable and provides for enhancements to existing pedestrian/ cycle links between the site and the village centre, and the surrounding area, supported by two key existing routes which run alongside the site providing easy access to East Grinstead and Crawley.
  - (x) The site is situated in a location which has seen a number of recent development supported by MSDC/ by the Inspectorate at appeal. It is thus a recognised sustainable location.

- (xi) There are no contamination or other ground, or stability issues associated with this site.
- (xii) There are no other material considerations which could impact on the sustainability of these sites as a proposed allocation.

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

3.7.1 Whilst not clear within the evidence base, the 5 year HLS statement does indicate at para 4.16 that:

*'Annual monitoring of sites for 1 – 4 units shows that that only 60% of such permissions are implemented. There is clear evidence that not all permissions on small sites will be implemented. Therefore, the number of units that small sites will yield is discounted by 40% to allow for non-implementation of permissions'.*

3.7.1 There does not appear to be any such allowance for non delivery of larger sites, which we believe need to be taken into account as not all sites will deliver as planned. This could however easily be addressed in the 10% buffer recommended in section 3.1 above.

**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]?**

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?**

No comment

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

No comment



**Our position on question 3.1 in the light of the above.**

Given our response to questions 3.2 – 3.7 we do not believe the residual requirement suggested in SA10 of 1,280 is supported by the evidence base, and that the true requirement is 3,608 dwellings – see table 7 below. As the Site Allocations DPD only looks to deliver 1,764 dwellings, land needs to be identified to deliver a further 1,844 dwellings (minimum). Additional sites, such as the land west of Turners Hill Road, Crawley Down should be allocated to meet the shortfall.

JAA table 7 – How policy SA10 compares to the policy DP4 of the adopted Development Plan and our position on the residual requirement.

	Adopted LP Policy DP4	Site Allocations DPD Policy SA10	JAA position
a	District Plan Minimum Requirement	16,390	16,390
b	Completions	2,410 April 2014 to March 2019	4,917 April 2014 to March 2020
c	Outstanding requirement	13,980	11,473
d	Total Housing Commitments <sup>10</sup>	7,091	9,689
e	Strategic development north & north-west of Burgess Hill	3,500	Now in commitments
f	Land north of Clayton Mills, Hassocks	500	Now in commitments
g	Windfall Allowance	450	504
h	Sum of d to g	11,541	10,193
	Residual requirements/ Number of dwellings to be provided through a Site Allocations DPD c – h + buffer	2,439 No buffer	1,280 No buffer
	Proposed allocations in Site Allocations DPD		1,764
	Surplus/ deficit		+484
			-1,844

<sup>10</sup> Including sites with planning permission, strategic development at Kings Way, Burgess Hill (DP8) and Pease Pottage (DP10) and allocations in made Neighbourhood Plans.