

Jones Lang LaSalle Incorporated

Examination in Public: Mid Sussex Local Plan (2014 – 2031) Site Allocations DPD

Matter 3 Hearing Statement

On behalf of Wates Developments Ltd

Contents



Hearing Statement

Introduction	3
Matter 3	4
Summary	8

1. Introduction

Introduction

- 1.1 This Hearing Statement has been prepared by the JLL Planning, Development & Heritage Team (“JLL”; “we”; “us”; “our”) in respect of the Examination in Public (“EiP”) Hearings; part of the examination of Mid- Sussex District Council’s (“MSDC”; the “Council) Site Allocations Development Plan Document (the “SADPD”; the “emerging Plan”).
- 1.2 This Statement sets out our views solely on **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?”*
- 1.3 We have not answered all the questions posed and have concentrated on answering the ones most relevant to our case.

Statement Disclaimer

- 1.4 The comments made here do not prejudice any other representations that are submitted by Wates Developments that respond to their interests elsewhere in the District.

2. 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

3.2: 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.

- 2.1 No. Policy DP4 of the District Plan relates to housing and states that “*there is a minimum District housing requirement of 16,390 dwellings between 2014 – 2031*”, which it advises is made up of the District’s objectively assessed need (OAN) of 14,892 dwellings over the plan period as well as “*1,498 dwellings to ensure unmet need is addressed in the Northern West Sussex Housing Market Area*”. The Policy also states “*the Plan will deliver an average of 876 dwellings per annum (dpa) until 2023/24. Thereafter an average of 1,090 dpa will be delivered between 2024/25 and 2030/31*”.
- 2.2 The supporting text to Policy DP4 then advises that; “*the spatial strategy of the District Plan is to focus the majority of housing and employment development at Burgess Hill as it has greater potential to deliver sustainable communities and to benefit from the opportunities that new development can deliver than at East Grinstead and Haywards Heath. A smaller scale development is allocated in this plan and was granted outline planning permission in 2016 at Pease Pottage as a contribution towards meeting the needs of the Northern West Sussex Housing Market Area. A smaller scale development is allocated at north of Clayton Mills, Hassocks. The remainder of development will be delivered as sustainable developments, including possible new strategic developments and development in other towns and villages*”.
- 2.3 The SADPD does not reflect the above and reduces the number of allocations in Category 2 and 3 settlements and concentrates the majority of additional development in the Category 1 settlements, where significant development is already proposed and allocated in the District Plan. This has three implications: first, Category 2 and 3 settlements will not be enhanced, and growth will not be directed to settlements that are sustainable – likely to have a negative effect on their long-term vitality and viability. The second implication is that by directing growth to areas of high growth, infrastructure and services would come under significant strain and, third, Category 1 areas may experience market saturation, particularly in Burgess Hill.
- 2.4 The provision of new homes at Category 2 and 3 settlements such as Lindfield and Bolney should be supported in order to enhance the vitality and viability of the rural settlements and the services within them. However, the approach of the Council to housing delivery does not take account of this, or the policies in the District Plan which seeks to support the more rural parts of the District.

- 2.5 This is a further failure of both the SADPD and the SA in that it did not consider the effects on Category 2 and 3 settlements whatsoever. The SA focusses solely on the sustainability of sites rather than considering the benefits of providing housing in other locations in accordance with the principle of sustainable development. For example, paragraph 6.48 of the SA states that *“It is therefore concluded that, should additional sites be required, these should ideally be drawn from sites in the highest settlement category in the hierarchy. These sites perform well and would mean focusing additional growth (beyond that required to meet the residual housing requirement) at the most sustainable locations using the most sustainable sites still in the process”*. All sites were assessed against 17 criteria contained in the Site Selection Paper 2, however, these criteria were inconsistently applied, given that sites which performed well, in particular in Category 2 and 3 settlements were discounted.
- 2.6 Furthermore, paragraph 6.43 states *“By allocating the 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,280 would be met with a small over-supply of 144 units. Overall, the collection of sites is largely consistent with the spatial strategy at a settlement category level. Whilst there is a shortfall at Category 3, this can be met by an over-supply at Category 1. As Category 1 is the most sustainable settlement category, and under-supply should be met at categories higher-up in the settlement hierarchy, this is acceptable”*. Again, this approach fails to recognise that delivery of nearly all new homes at the category one settlements will have a significant adverse effect on other settlements. This is a further area where the SADPD is unsound.
- 2.7 The paucity of housing allocations in Category 3 settlements is particularly jarring given over half of the Council’s additional employment land has been allocated for Bolney. Clearly additional housing would be required both in terms of 1) meeting the provision required in Policy DP4 and 2) meeting the demand generated by increased employment land in that area. The large amount of employment allocations in Bolney also a present an inconsistent and unsustainable approach to the evolution of the plan.
- 2.8 We conclude that the Site Allocations DPD is unsound. It does not reflect the adopted District Plan and does not consider the social and economic effects of non-delivery of homes in category two and three settlements and therefore does not accord with the principles of sustainable development as set out in the NPPF.

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?

- 2.9 Yes, additional sites are required. 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, however, we endorse Judith Ashton Associate’s analysis at paragraphs 3.4.1 to 3.4.5 of their Matter 3 statement also submitted on behalf of Wates Developments which concludes MSDC will only have 4.97 years HLS upon adoption.
- 2.10 The SADPD does not therefore provide housing allocations in a mix of locations that are available, suitable and viable.

- 2.11 For example, a deliverable sites in Lindfield and Bolney have been promoted to the Council by our client during Regulation stages 18 and 19, however, ultimately there are no proposed housing site allocations in these locations.
- 2.12 This is notwithstanding Policy DP4 of the District Plan, which sets out the strategic distribution of housing across the District and states that that Lindfield – along with 5 other settlements – should deliver 838 homes for the remainder of the Plan period and Bolney – along with 12 other settlements – should deliver 311 homes for the remainder of the Plan period and the proposed uplift to these requirements as set out in the SADPD. The SADPD therefore does not accord with the District Plan.
- 2.13 For the SADPD to accord with the NPPF paras 67 and 68 it needs to allocate more sites across the settlement categories 2 and 3 that are suitable, available, and viable.

3.7: Has an allowance been made for non-delivery of planning permissions

- 2.14 No reliable allowance is made.
- 2.15 We note at Paragraph 2.28 of the SADPD confirmation of a windfall allowance of 84 dwellings per annum, amounting to a total of 504 dwellings over the remaining 7 years of the Plan period (2024- 2031). However, this means that there are more windfall units to be provided for than there are housing allocations in settlement Categories 2 and 3 combined. We wholly endorse Judith Ashtons Associates’ view on Windfall Sites as set out in their Matter 3 statement at paragraph’s 3.51. – 3.52 that:

“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.

*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”.*

- 2.16 This is a clear over-reliance on the delivery of homes from unpredictable windfall sites. By their very nature, Windfall sites cannot be assumed to come forward in suitable locations, cannot be assumed to yield a sufficient amount of homes to account for any short falls resulting from non-delivery and cumulatively are likely to fall well short of the allowed amount of 504 dwellings. This may also mean that the spatial strategy

may be further compromised (in addition to the under-provision in categories 2 and 3 identified above), given that windfall developments most commonly come forward on brownfield sites in larger (category 1) settlements.

- 2.17 These issues can be overcome by identifying more housing sites through the SADPD, and specifically with Category 2 and 3 settlements where it can be demonstrated they can deliver homes in 1-5 years.
- 2.18 Without allocating further sites to meet the housing need, there will be a greater reliance on windfall sites which is an unjustifiable approach in terms of accounting for planning permissions not being delivered.
- 2.19 The Council is therefore encouraged to rely less on non-identified sources of housing growth (which by their nature are unpredictable in relation to the realisation of the spatial strategy) and to plan more effectively by identifying additional sites for allocation in the SADPD.

3. Summary

- 3.1 Our client's concerns in relation to the emerging Plan highlighted at Regulation 19 stage remain: specifically, in relation to the evident shortfall of housing allocations in Category 2 and Category 3 settlements across the District. Lindfield is a Category 2 settlement where housing provision is wholly under-represented against the target minimum figure indicated in the District Plan. Bolney is a Category 3 settlement where housing provision is wholly under-represented against the target minimum figure indicated in the District Plan.
- 3.2 Our client notes that that emerging Plan is unsustainable and is overly reliant on strategic sites with delivery complications and windfall development. Should the emerging Plan continue to rely heavily on long-term strategic and windfall sites despite the availability of suitable residential sites such as in Lindfield and Bolney, it should not be considered justified, effective or consistent with national policy and therefore is unsound.
- 3.3 We consider that the emerging Plan is unsound because it does not accord with paragraph 35 of the NPPF and it therefore should not be adopted.

JLL

30 Warwick Street
London
W1B 5NH

Asher Ross
Director

+44 (0)207 087 5042
asher.ross@jll.com

30 Warwick Street
London
W1B 5NH

Alex Yearsley
Senior Planning Consultant

+44 (0)207 318 7827
alex.yearsley@jll.com

www.jll.co.uk

Jones Lang LaSalle

© 2020 Jones Lang LaSalle IP, Inc. All rights reserved. The information contained in this document is proprietary to Jones Lang LaSalle and shall be used solely for the purposes of evaluating this proposal. All such documentation and information remains the property of Jones Lang LaSalle and shall be kept confidential. Reproduction of any part of this document is authorized only to the extent necessary for its evaluation. It is not to be shown to any third party without the prior written authorization of Jones Lang LaSalle. All information contained herein is from sources deemed reliable; however, no representation or warranty is made as to the accuracy thereof.