



14 May 2021

Dear Charlotte,

Mid Sussex Local Plan 2014 - Site Allocations Development Plan Document Examination

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?

Andrew Black on behalf of Vanderbilt Homes

I write to submit a hearing statement for Matter 1 of the examination for the Mid Sussex District Council (MSDC) Site Allocations Development Plan Document (SADPD) on behalf of Vanderbilt Homes.

Vanderbilt Homes has an interest in both the Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath in addition to Land South of 61 Crawley Down Road, Felbridge. Both sites were previously considered in the SHELAA (ref 508 and 676 respectively) as Available, Achievable and Deliverable. Details of the sites were set out within the regulation 18 and 19 representations.

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?***

The council has suggested that the figure has been reduced to account for additional delivery from housing commitments and the increase in windfall allowances to include schemes of up to 9 dwellings (previously up to 5). Whilst the rationale for the change has been set out it is not supported by evidence, particularly around windfall sites, that this reduction is justified.

For the reasons set out in other sections of this hearing statement it is not accepted that the reduced housing requirement is justified or represents a sound approach.

- 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?***

It is strongly suggested that an over-supply of dwellings is required in order for the plan to be sound. This is further justified by the recent Housing Delivery Test results of 91% which mean that an Action Plan and further 5% buffer should be added to the housing requirement.

For the reasons set out in subsequent sections of this matters statement, there are significant concerns around the reliance on large strategic sites and the assumed trajectory for the delivery of detailed planning permission and completion of dwellings thereafter.

It is therefore suggested that the proposed buffer of 484 dwellings may actually be insufficient to enable the delivery of housing over the plan period. The omission sites being promoted for Vanderbilt Homes should be considered for inclusion in the buffer. In the case of Haywards Heath, the site is at the upper end of the Settlement Hierarchy and both sites represent sustainable and suitable locations for housing.

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

Significant concerns have been set out within this matters statements around the delivery of sites already within the housing trajectory and the allocated sites. It is clear that there is likely to be a high degree of non-implementation of sites for a variety of reasons as set out.

Whilst there is no guidance or requirement in planning policy for a non-implementation rate to be applied it has been adopted in many recent local plans in order to strengthen the housing supply being advanced by the council. Most recently a non-implementation rate of 10% has been applied by Epping Forest, and 5% in the case of Maidstone (backed up with evidence of why a lower rate was applicable). No such analysis has been presented by the Council on the level of expired planning permissions / non implementation in recent years. Concerns have already been raised about the 'shelf-life' of a significant amount of permissions within the housing trajectory that will have expired by the time of examination or are due to expire within 2021.

It is therefore suggested that at least 10% should be allowed for non-implementation. The recent Housing Delivery Test result of 91% shows that a level of non-delivery is present within the council for the existing housing commitments and it is considered that this will increase substantially when the higher housing figure is rolled over into the next monitoring year.

- 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?

The council is highly reliant on delivery on delivery from the larger sites. Of significant concern is both the lead in time for start on site and then the build out rates thereafter for these larger sites.

The latest 5-year Housing Land Supply Statement was published by the council in December 2020. This document is not currently in front of the inspector as an examination document but this should be requested as participants in the examination may wish to take the inspector to it.

Appendix 1 contains detailed analysis on lead in times. The table showing time between application received and permission for sites of 100 dwellings or more demonstrates an average of 0.7 years or 7.9 months for the time between outline application received and permission granted.

However, the column showing time between outline decision and detailed permission is misleading. It shows the average time between outline decision and detailed permission being 0.5 years or 6.1 months. This is because 'zero' has been entered into columns where the initial application was a detailed or hybrid application. If only the lead in time from outline permissions being converted to detailed permission is included, then the time frame is actually 1.76 years or 21 months. A similar approach should be taken to the lead in time for units from smaller sites of 50-99 dwellings and 30-49 dwellings where the average also includes zero years where no reserved matters application was necessary.

The analysis in appendix 2 shows the average build out rate for sites of 100 units or more as 40 per year.

Appendix 5 shows the 5-year supply sites and shows several instances of predicted build out rates which are significantly in excess of the average of 40 dwellings per year. Of more concern is the B list sites which includes phase 1 of the northern arc which currently does not have detailed planning permission. Despite this, the council is anticipating delivery of 135 dwellings, 157 dwellings and 257 dwellings in years 2022/23, 2023/24, and 2024/25 respectfully. This does not reflect the lead-in time for larger sites or the average delivery as set out within other sections of the 5-year housing land supply statement.

Further evidence of certainty of delivery must be set out by the Council in advance of the examination so that this can be properly scrutinised by all participants.

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;***

As set out in table 2.5 of section SA11: Additional Housing Allocations of the SADPD there are total of 1,409 dwellings allocated in the Category 1 (Town) of the settlement hierarchy. However, of this 1,409 dwellings a total of 612 dwellings (43%) are in Burgess Hill, 772 dwellings (55%) are in East Grinstead and just 25 dwellings (2%) are in Haywards Heath. The figure proposed for Haywards Heath is not considered reflective of the highly sustainable location of the town and the ability to accommodate future growth.

The total for Burgess Hill is in addition to the 3,980 dwellings included from the district plan site allocations as set out in table 2.2 of the SADPD. For the land at North and North West of Burgess Hill, 3,287 dwellings are to be delivered in the plan period to 2031 giving a total of 3,767.

Of the 9,689 of Total Housing Commitments as set out in table 2.3 the Commitment Schedule as at 1st April 2020 (Document H5) a total 4,190 (43%) of the homes are within Burgess Hill. This is in contrast to just 887 (9%) in Haywards Heath.

Looking forward from the point of adoption, of the 11,957 dwellings left to be delivered as set out in table 2.3 in policy SA10 (made up of Total Housing Commitments, Windfall and Site Allocations) a total of 4,802 dwellings (40%) will be delivered in Burgess Hill and only 912 (8%) in Haywards Heath. This is not considered to represent a sustainable or balanced pattern of growth.

Of greater concern is that of the 1,764 dwellings allocated in policies SA12-SA33, a total of 523 (30%) are within, or in close proximity to the SDNP or AONB. Serious concerns are raised in this regard and further consideration provided against each site under matter 3.2.

The inspector of the District Plan set out comments on this matter accordingly in paragraph 53 of the report (Examination Document DPD8) where it is stated:

Further allocations are likely to be needed in the future Site Allocations DPD to meet the housing requirement. There are locations within the District of lesser landscape value, in relatively sustainable locations near to settlements and close to main transport routes. Some settlements lie within the AONB and may be appropriate for modest housing schemes, but there is no evidence that meeting the housing requirement will necessitate major development in the AONB other than that already permitted by the Council at Pease Pottage, or that it would harm the National Park.

It is therefore highly concerning that the council has sought to advance a strategy of suggesting that the allocations within the AONB do not amount to 'major development'. Something which is addressed in more detail within these representations.

The strategy to develop a high proportion of dwellings is directly at odds with the requirement to protect such landscape. The Planning Practice Guidance sets out how planning authorities should plan for biodiversity and geodiversity (Paragraph 010 Reference ID 8-010-20190721) and states it is useful for local authorities to consider (inter alia) *the latest government policies that are relevant, including the commitments in the 25 Year Environment Plan*. This clearly sets out in chapter 2 that the government has committed to *conserve and enhance the natural beauty of National Parks and Areas of Outstanding Natural Beauty*.

Topic Paper TP1 (Major Development in the High Weald AONB Topic Paper) sets out in paragraph 1.3 that *the principle for development in the High Weald AONB is set out in policy DP4*. It is not the case that the principle of development is ‘established’, more that the policies in the district plan set out the high bar that must be achieved in order for planning to be achieved. This has been underlined by the subsequent strengthening of wording in the NPPF regarding such development.

The paper sets out that none of the sites allocated for development in the AONB have been considered as ‘Major Development’ for the purposes of the definitions set out in the NPPF. This is highly surprisingly, particularly for site SA25 (Land West of Selsfield Road, Ardingly) for 70 dwellings which was previously classed as major development at regulation 18 stage when the proposed allocation was for 100 dwellings. The rationale of now classing the site as ‘not major development’ is not supported by any evidence and should be closely scrutinised by the inspector.

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?

It is considered that the existing towns and villages at the upper end of the settlement hierarchy are highly sustainable locations for housing growth. Whilst the contributions made to existing housing delivery from these areas is acknowledged, it is suggested that substantial additional capacity exists for housing growth. This growth can be supported by existing infrastructure, which is also capable of being upgraded as a result of contributions derived from the new development.

As set out, the approach to a high degree of development in Burgess Hill with a tiny amount in comparison for Haywards Heath is not considered to represent a sustainable and evenly balanced approach to housing delivery for the district.

iii) Strictly controlling development in the open countryside;

No comments

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

It is accepted that the amount of previously developed sites which are sustainably located in the district is very limited and there is limited ability for the borough to maximise the development of such sites.

- 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?*

No comments

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; contamination or other ground or stability issues; and***
- (x) 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:

- Policy SA12 Land South of 96 Folders Lane, Burgess Hill [40 dwellings].***

Appendix B of the reg 18 SADPD sets out that this site has *moderate landscape sensitivity and moderate landscape value*. This site could be visible from the South Downs National Park. The

SA states that an LVIA is required to determine any impact on the National Park. Given the weight that the NPPF requires to be placed on the protection of the National Park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.

Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.

Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

Section 6 of the Transport Statement for site SA12 shows that the nearest primary school is 1.3km or a 16-minute walk, 1.5km or 18m walk to Burgess Hill Girls School and 2.3km or a 29-minute walk to the nearest mixed secondary school. Burgess Hill town centre is 2km or a 25km walk. This is outside of the 'preferred maximum' distance as set out in table 6.1.

- ***Policy SA13 Land East of Keymer Road and South of Folders Lane, Burgess Hill [300 dwellings].***

As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.

The Sustainability Appraisal sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*.

The Heritage Statement (SA13.3) as included within the evidence base suggests that the exact level of harm and any mitigation still requires further consideration. It is unclear whether this will have an impact on the deliverability of the site or the eventual capacity for development.

Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of 'in-combination' impacts such as highways and landscape impact.

- ***Policy SA14 Land South of Selby Close, Hammonds Ridge, Burgess Hill [12 flats plus community use].***

There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further*.

The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless*

diversion of the sewer is possible. Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.

As with SA12 and SA13 there are questions of the sustainability of the site given that the SA notes that it is more than a 20-minute walk to the school and GP.

In contrast to the information provided as part of the evidence base for other Site Allocations, only the Site Location Plan has been provided for this site. It is therefore not possible to make any conclusion on the comments raised against this site during previous consultations.

- ***Policy SA15 Land South of Southway, Burgess Hill [30 dwellings].***

The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan.* It is unclear whether this site was ever previously in use as playing pitches and whether re-provision of this space would be required under Sport England policies. Whilst the layout as submitted as document SA15.1 sets out that 'additional green infrastructure' will be provided it is unclear how this would mitigate the loss of the land as local green space.

Appendix B of the reg 18 SADPD pointed towards issues with relocation of existing parking on the site and states that:

Private parking areas would need to be removed to provide a suitable access point with sufficient visibility. The parking spaces are visitor spaces over which the owners/developers of the subject land have rights to access it to serve new development onto Linnet Lane. Accordingly, a new access into the site can be provided any new development would include two visitor spaces as close as reasonably possible to the existing visitor spaces.

No evidence within the accompanying documentation has been provided to suggest that those matters have been resolved and the Transport Technical Note submitted as document SA15.2 is silent on this matter.

It is clear that there are substantial issues with deliverability and availability of this site given these constraints and the site should be deleted as a proposed allocation until this can be adequately demonstrated.

- ***Policy SA16 Land St Wilfrid's Catholic Primary School, School Close, Burgess Hill [200 dwellings].***

The regulation 18 and 19 version of the SADPD set out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There was also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town. These requirements have subsequently been removed from the wording of policy SA16 and it is unclear whether these matters have now been resolved.

Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10-

year time period as set out.

No further information on this matter has been provided by the promoter as part of the evidence base in the examination library.

- ***Policy SA17 Woodfield House, Isaac's Lane, Burgess Hill [30 dwellings].***

The SADPD sets out some significant landscape features on site which require retention and it is stated that:

There is a group Tree Preservation Order in the southern and western areas of the site. High quality substantial new planting of native trees is required, should these be lost to provide access from Isaac's Lane. All other TPO trees on the site are to be retained.

Retain and enhance important landscape features, mature trees, hedgerows and the pond at the south of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.

Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.

It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

Integrated access with the Northern Arc Development is strongly preferred, the details of which will need to be investigated further.

This is also set out in appendix B of the reg 18 SADPD where it is stated that:

Entrance drive to house. Access on bend with limited visibility. 50 mph road. Would involve removal of trees that are subject to TPO. Objection for tree officer. However, future access is anticipated to be provided via the Northern Arc. Whilst the specific details of this remain uncertain on the basis that the enabling development is still at an early stage, it is considered that the identified constraints will no longer apply.

Given the uncertainty of the deliverability of the land immediately adjoining the site as part of the Northern Arc it is considered that the deliverability of this site is not clear enough to justify allocation within the sites DPD. The uncertainty of this deliverability also has an implication of the sustainability of the site and proximity to adequate services. This is highlighted within the SA where it is stated that:

The impact of option (h) on these objectives (Health/Retail/Education) is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.

These matters have not been resolved within the submission version of the SADPD. The Regulation 19 representation from the site promoter submitted as document SA17.1 reads as an objection to the entire plan and provides no further clarification on this matter.

Overall it is not considered that this site is suitable for allocation and should be removed from the Sites DPD

- **Policy SA18 Former East Grinstead Police Station, College Lane, East Grinstead [22 dwellings].**

No comments are made on this allocation.

- **Policy SA19 Land South of Crawley Down Road, Felbridge [200 dwellings].**

As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 63 dwellings.

Given that the entire area will be included within the revised Built Up Area Boundary, then it is considered logical that individual adjoining sites are also identified for allocation within the SADPD. A wider allocation of the area South of Crawley Down Road could yield more dwellings with applications brought forward by individual development partners as part of the total allocation.

- **Policy SA20 Land South and West of Imberhorne Upper School, Imberhorne Lane, East Grinstead [550 dwellings].**

Notwithstanding the significant constraints to delivery from this site it is notable that the delivery of 550 in 6-10 years as set out in the SADPD is particularly optimistic and would need to be revised in order to be realistic on the constraints to delivery including the requirement for provision of education on the site.

- **Policy SA21 Rogers Farm, Fox Hill, Haywards Heath [25 dwellings].**

This site is significantly constrained by the presence of heritage assets. This is referenced in the SA which states that:

Site option (b) is constrained in terms of impact upon a listed building; it would have a less than substantial harm (medium) on Cleavewater (Grade II listed) and The Old Cottage (Grade II listed).

Appendix B of the reg 18 SADPD also references these heritage assets together with an assessment of the likely impact as follows:

Cleavewaters, Fox Hill there would be a fundamental impact not only on views from the building and associated farmstead but on the context and manner in which the farmhouse and farmstead are appreciated by those travelling along the road which runs between the farmstead and the site. NPPF: LSH, MID

Olde Cottage, there would be some potential impact on views from the Cottage and its garden setting. The belt of woodland between the asset and the site is relatively narrow and development on the site is likely to be visible, particularly in winter. There would also be an impact on the setting in which the Cottage is appreciated by those

approaching along the access drive from Ditchling Road. NPPF: LSH, MID

The impact on heritage assets and character of the area has been assessed in an appeal decision on the site (APP/D3830/W/17/3187318) issued in January 2019 following an application for up to 37 dwellings on the site (DM/16/3998).

- 15 *The combination of the buffer and local topography would mean that any development would be clearly visible on the approach down Lunce's Hill and perceived as a separate and distinct residential development. I am not persuaded that it would be seen within the context of an urban fringe setting as the appellant suggests. On the contrary it would be a harmful encroachment into the countryside and the rural character of the approach into the settlement would be irrevocably changed and harmed through the loss of this open land.*
- 16 *Overall, the proposal would result in an unacceptable suburbanisation of the appeal site that would fundamentally change the character and appearance of the rural setting of the settlement. The effects would also be exacerbated somewhat by the loss of part of the existing mature hedgerow for the access. Proposed mitigation, in the form of additional landscaping would restrict the visibility of the proposal from a number of viewpoints. However, it would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that it would fully mitigate the visual impacts.*
- 17 *For these reasons, the proposal would not be a suitable site for housing in terms of location and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy C1 of the LP and Policies E5 and E9 of the HHNP. In addition to the requirements set out above, these policies also require new development to be permitted where it would protect, reinforce and not unduly erode the landscape character of the area. There would also be some conflict with Policies DP10 and DP24 which, seek to protect the countryside in recognition of its intrinsic character and beauty and promote well located and designed development.*

Surprisingly, the Heritage Impact Assessment submitted in support of the allocation (document SA21.3) makes no reference to the findings of the inspector in the previous appeal decision on the site.

In addition to consideration of heritage matters it would appear that the consideration of Sustainability / Access to Services is inconsistent between the Site Selection Paper (SSP3) and the Sustainability Appraisal.

In the Site Selection Paper (SSP3) the Sustainability / Access to Services of Rogers Farm is assessed as follows:

Part 3 - Sustainability / Access to Services

14 - Education	More than 20 Minute Walk
15 - Health	15-20 Minute Walk
16 - Services	15-20 Minute Walk
17 - Public Transport	Fair

However, this differs from the assessment of these matters within the Sustainability Appraisal where the following conclusions are reached.

The site is assessed positively for its access to retail and it is stated that they are a 10 15 minute walk when the SA correctly identifies that they are a 15 20 minute walk.

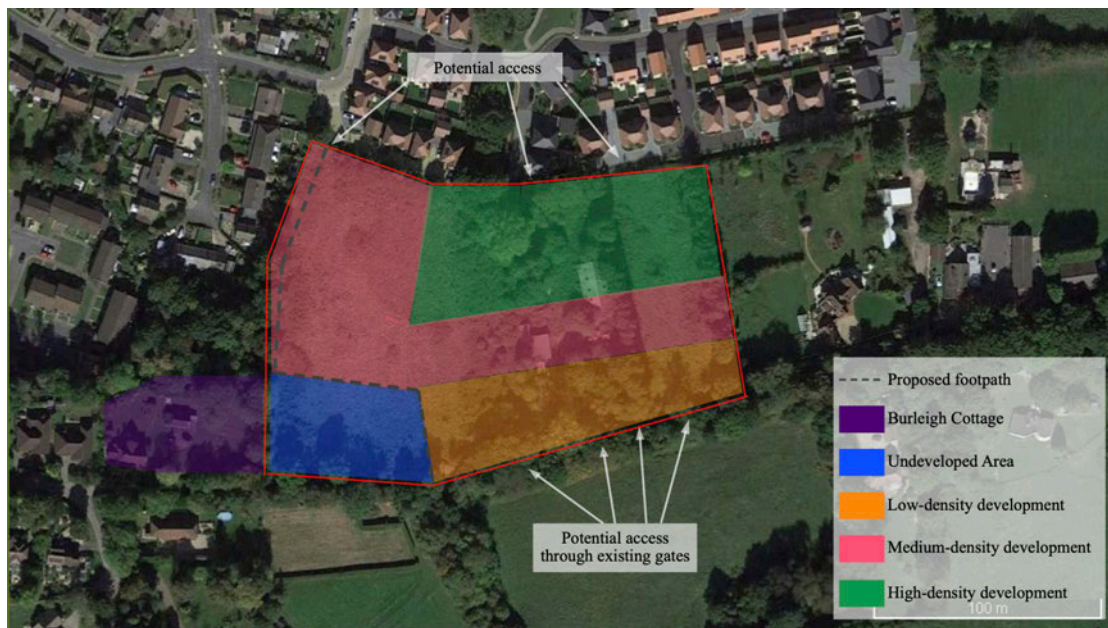
It is apparent that the heritage constraints and poor sustainability for Rogers Farm weigh heavily against the allocation of the site and this should be readdressed within the final version of the SADPD.

- **Policy SA22 Land North of Burleigh Lane, Crawley Down [50 dwellings].**

The site is in close proximity to the grade II listed Burleigh Cottage. The Heritage Statement submitted as part of the evidence base (SA22.5) sets out the importance of the setting of the cottage as follows:

- 6.2 *The proposed site lies immediately adjacent to the listed grade II Burleigh Cottage. The setting of Burleigh Cottage, originally entirely rural, has changed significantly during the last century, but it is still very much appreciated within rural, undeveloped surroundings to the east and south and in the relationship of Burleigh Cottage to Burleigh Lane.*
- 6.3 *The proposed site is one of the remaining undeveloped areas which are related to the original agricultural and rural setting of Burleigh Cottage, the remainder of which have been subsumed by the modern development to the north and west.*
- 6.4 *Taking this into consideration, any development on the proposed site will have potential to lead to foreseeable harm to the special interest of the listed building by diminishing its historical setting which, as identified above, contributes greatly to the buildings special interest.*

The heritage statement also contains a diagram setting out the areas of development showing the areas for potential high, medium and low density development and also an undeveloped area to the south-west corner of the site as set out below:



However this fundamentally differs from the illustrative masterplan (SA22.1) that is submitted with as part of the evidence base which shows the entire site as being fully developed as set out below.



- ***Policy SA23 Land at Hanlye Lane to the East of Ardingly Road, Cuckfield [55 dwellings].***

The site is within close proximity to the High Weald AONB. Previous comments made in
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relation to the requirements of the NPPF in relation to AONB for other allocations apply equally to this site.

- **Policy SA24 Land to the North of Shepherds Walk, Hassocks [130 dwellings].**

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.

No further information has been submitted by the site promoters of the council to confirm rights of access.

- **Policy SA25 Land West of Selsfield Road, Ardingly [70 dwellings].**

This site is located within the AONB and comments made in this regard to other proposed allocations apply to this site. The SA references this impact as follows:

There is a 'Very Negative' impact against objective (9) due to its location within the High Weald AONB, however the AONB unit have concluded that there is Moderate Impact as opposed to High Impact

The conclusions of the AONB unit have not been provided as part of the evidence base and requires further scrutiny in order to assess the impact of development of this site in this regard. The allocation of this site is at odds with the Major Development in the High Weald AONB Topic Paper (Examination Document TP1) which states at paragraph 1.6:

As part of the site selection process, the impact on the High Weald AONB has been taken into account. Sites within the High Weald AONB were assessed as having high, moderate or low impact based on the advice provided by the High Weald AONB Unit. Those sites assessed as having a high impact on the High Weald AONB were not considered further in the site selection process.

As set out previously, the logic to classing this allocation for 70 dwellings as 'not major development' should be closely scrutinised, particularly given that the it was considered as a 'major development' when the site was allocated for 100 dwellings during the regulation 18 stage.

- **Policy SA26 Land South of Hammerwood Road, Ashurst Wood [12 dwellings].**

The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

- **Policy SA27 Land at St Martin Close, Handcross [35 dwellings].**

This site is directly adjacent to a neighbourhood plan allocation for 30 dwellings in the Slaugham and it is not considered that the 'in-combination' impacts on landscape and the wider AONB have been properly considered. The conclusion of the impacts as set out in document TP1 state:

It is considered that the potential for a significant adverse impact on AONB purposes is

moderate.

- ***Policy SA28 Land South of The Old Police Station, Birchgrove Road, Horsted Keynes [25 dwellings].***

The conclusion of the impacts as set out in document TP1 state:

It is considered that the potential for a significant adverse impact on AONB purposes is moderate due to the location of the development and how it relates to the settlement pattern of Horsted Keynes.

Of particular relevance to this allocation, and SA29 (also in the AONB in Horstead Keynes) is the recently dismissed appeal at Birchgrove Road in Horstead Keynes (Appeal Reference APP/D3830/W/20/3261311 enclosed with these reps) for 32 dwellings. The appeal was dismissed due to substantial concerns from the inspector on the impact on the AONB in this area.

It is clear that development in the AONB around Horstead Keynes would have significant impact and it is not suitable for additional housing growth in this area.

- ***Policy SA29 Land South of St Stephens Church, Hamsland, Horsted Keynes [30 dwellings].***

The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

Comments made in relation to the recent appeal decision at Birchgrove Road are also highly relevant to this site.

- ***Policy SA30 Land to the North of Lyndon, Reeds Lane, Sayers Common [35 dwellings].***

The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. The Transport Statement as submitted with the evidence base (document) makes reference to the limited services within 1km of the site but there would be no access to essential infrastructure.

It is therefore not considered that the development of this site would be justified in sustainability terms.

The site 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.

- ***Policy SA31 Land to the rear of Firlands, Church Road, Scaynes Hill [20 dwellings].***

No comments

- ***Policy SA32 Withypitts Farm, Selsfield Road, Turners Hill [16 dwellings].***

The site is within the AONB and it is considered it is inappropriate to allocate this site for

development without thorough appraisal of reasonable alternatives as previously set out.

The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is not required for further mineral extraction.

- **Policy SA33 Ansty Cross Garages, Cuckfield Road, Ansty [12 dwellings].**

This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted.

The Transport Technical Note (Document SA33.4) provided as part of the SADPD evidence base contains no further submissions in respect of sustainability of the site.

The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct it is not considered that the PDL nature of this site makes it appropriate for allocation within the Sites DPD.

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?

The importance of a five-year housing land supply was a key consideration for the inspector of the District Plan (Examination Document DPD8) and it sets out at paragraph 37 the following in this regard:

*It is therefore very important that the plan has 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.*

It is notable that of the sites within the existing commitments as at 1 April 2020 (as set out in document H5) a total of 9 sites comprising of 477 dwellings were on sites where the lapse date was prior to the start of the examination. The Council must therefore prepare an urgent update to document H5 before the start of the examination to demonstrate that all of these sites commenced and no permissions have formally lapsed.

Of further note is that the permission for a further 19 sites comprising of 1,393 dwellings will lapse by the end of 2021. Further information must be presented by the council to demonstrate that these permissions have a high likelihood of being implemented within 2021 in order to make up a demonstrable part of the five-year housing land supply.

As set out there is significant concern on the delivery rates from a significant amount of sites within the five-year housing land supply statement. Annex 2 of the framework sets out the definition of a deliverable site. The Planning Practice Guidance sets out what evidence may be required in order to demonstrate deliverability and that this includes:

- *current planning status for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or*

whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;

- *firm progress being made towards the submission of an application for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;*
- *firm progress with site assessment work; or*
- *clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.*

Paragraph: 007 Reference ID: 68-007-20190722

Revision Date: 22 July 2019

The Housing Land Supply Commitments (Examination Document H5) only contains very basic information on current planning status. There is no indication on progress towards submission of detailed applications or commencement on site for those sites with deliverable planning permission.

The Housing Land Supply Statement (Examination Document H2) sets out the following at paragraph 3.5:

For the purposes of informing the housing trajectory it has been assumed that, for the majority of sites, pre-application discussions can commence in quarter 2 2021; submission of planning applications in quarter 3 2021; with planning approval quarter 1 of 2022. This would enable a commencement on site during quarter 4 2022. These assumptions will be refined on a site by site basis as the more certainty regarding the timescale for the adoption of the Plan emerges. In addition, the Council will explore with site promoters/developers the potential of securing Planning Performance Agreements, particularly on the large sites.

This is considered to be a significantly condensed timeframe and there is no indication that the council has the capacity to carry out this level of work in pre-apps, validation and determination of concurrent applications to meet this timeframe.

The inspector should request much greater clarity from the council in this regard to enable the 5-year housing land supply to be properly scrutinised by participants of the examination.

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

The council has submitted topic paper H1 (Windfall Sites Update Note) which sets out the approach to Windfall Sites. The analysis shows delivery of a high degree of windfall sites made up from PD Completions from 2014-2020. It is assumed that a high proportion of these were as a result of office to residential conversions brought about through Class O of the General Permitted Development Order.

The council should be requested to provide more evidence on the level of windfall allowance to show that there is a high degree of certainty that this level can be sustained. Notwithstanding the finite supply of office space capable of being converted to residential,

there are now increased requirements under all permitted development scheme for the dwellings to comply with the National Described Space Standards and it is therefore expected that the level of windfall delivery derived from such sources is likely to significantly diminish over the plan period.

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?

Yes, for the reasons set out there is a requirement for additional housing allocations to ensure that the plan is sound. Paragraph 68 of the framework sets out the important contribution that small and medium sized sites can make in the delivery of housing in the area and recognises that these can be built out quickly.

The sites which Vanderbilt has an interest in would fall within this category and are capable of delivering housing in the early part of the plan period.

Further consideration of these, and other sites, for allocation within the plan is suggested.

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

There is no evidence that an allowance has been made for the non-delivery of planning permissions. As set out, there are significant concerns raised on the deliverability of several of the sites in addition to the assumptions made on lead-in times and build out rates. The council must therefore make some assumptions on non-delivery of permissions.

It is submitted that this can be remedied through the allocation of additional housing sites which are capable of delivery in the early part of the plan period.

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 comments

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

No comments

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

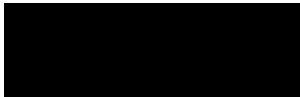
Vanderbilt Homes will make representations to the inspector as part of the examination process that additional allocations are required in order to make the SADPD sound. The sites at Haywards Heath and Felbridge are both considered to represent significant opportunities



to strengthen the housing supply for the district, in light of significant issues with several of the allocated sites.

The allocation of these sites for residential development would wholly comply with the requirement to promote sustainable development in the district.

Yours Sincerely



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