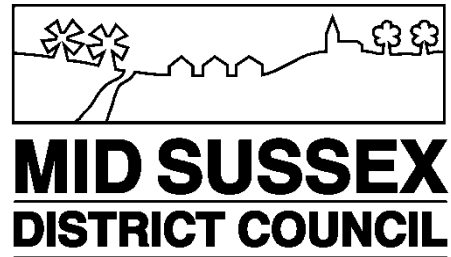


**Mid Sussex
District Council**



Site Allocations DPD

MSDC-02c (i): Matter 3 - Quantitative and Qualitative aspects of housing provision (except 3.3)

14th May 2021

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?*

MSDC Response:

- 1.1. The updated Minimum Residual Requirement for Mid Sussex of 1,280 units is supported by the evidence. The evidence that supports the reduction is set out in detail in Topic Paper 3 [TP3, paragraphs 3.17 – 3.22] and is summarised below. In summary, the reduction is based on:
 - Additional completions from monitoring years 2017/18, 2018/19 and 2019/20 that have elapsed since the District Plan was adopted
 - Additional commitments (planning permissions and allocations) since the District Plan was adopted
 - An amendment to the windfall allowance, supported by evidence (as set out in response to Q3.5.
- 1.2. The minimum residual housing requirement within the adopted District Plan is **2,439** dwellings. This was based on the position ‘as at 1st April 2017’ which was the most up-to-date monitoring position at the time of the District Plan’s adoption. This accounts for completions from start of the plan period (2014/15) to 2016/17, commitments, strategic allocations and an allowance for windfall of 45dpa from year 6 onwards.
- 1.3. At Regulation 18 stage, the minimum residual housing requirement had reduced to **1,507**. This was as a result of completions in monitoring years 2017/18 and 2018/19, updated commitments (as a result of permissions granted that were policy compliant) and an increase in windfall allowance to 84dpa from year 6 onwards, based on revised evidence set out in the Windfall Sites Update Note [H1].
- 1.4. The position was revised once again at Regulation 19 stage to **1,280**, which accounts for completions in 2019/20 and updated commitments. This is the figure set out in SA10 of the submitted Sites DPD.
- 1.5. The changes can be summarised as follows:

	District Plan (as at April '17)	Regulation 18 (as at April '19)	Reg19 / Submission (as at April '20)
District Plan Requirement	16,390	16,390	16,390
Completions	2,410	3,914	4,917
Commitments (planning permissions, District Plan)	11,091	10,381	9,689

allocations and Neighbourhood Plan allocations)			
Windfall (commitments)	450	588	504
Residual Requirement	2,439	1,507	1,280

Table 1: Residual Housing Figures

- 1.6. The Council publishes a list of completions and commitments on its website (<https://www.midsussex.gov.uk/planning-building/consultation-monitoring/#topic-housing-land-supply>) on an annual basis to coincide with the end of the monitoring year.
- 1.7. The updated Minimum Residual Requirement is therefore fully supported by the evidence and has been updated at each stage of DPD preparation to reflect the latest position based on accurate and up-to-date data.

*(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?*

MSDC Response:

Is there a **sufficient buffer** to enable the Plan to ensure there is enough flexibility of housing land over the plan period?

- 1.8. The Council considers there is a sufficient buffer to ensure flexibility of housing land over the plan period to meet requirements and maintain a robust five-year land supply.
- 1.9. The District Plan sets a minimum housing requirement of 16,390 dwellings. As noted in Q 3.1(i) above, 4,917 of this has already been completed and a further 9,689 already planned for. The residual requirement of 1,280, the minimum which must be planned for in the Sites DPD, represents just under 8% of the minimum housing requirement.
- 1.10. The judgement on buffer balances considerations such as the delivery experience to date, the continuing reliance on the delivery of commitments, the ‘mid term’ position of the adopted District Plan (now in year 7, albeit 3 years post adoption), the balance of large and smaller sites and the commencement of the District Plan review.
- 1.11. The Council is not necessarily obliged to allocate in excess of the residual housing requirement, the approach taken provides sufficient flexibility and resilience to the housing supply and is in line with best practice. Options for the total supply within the Sites DPD were appraised within the Sustainability Appraisal [SUS1] as described in the response to Q2.2 [MSDC-02b].

Has the buffer been incorrectly applied?

- 1.12. The Council is confident that the buffer has been correctly applied.
- 1.13. In determining the updated residual housing requirement in SA10, the Council has already accounted for non-delivery or delayed delivery as a result of on-going monitoring. For example:
- The District Plan assumed 3,500 dwellings would be delivered within the plan period (to 2031) at the Northern Arc strategic site (DP9). Monitoring and updates to the trajectory now indicate 2,787 dwellings will be delivered within the plan period. SA10 reflects this.
 - The commitments list is revised each year, removing any sites where planning permission has expired.
 - Adopted Local Plan (2004) allocations were included in the commitments at the time the District Plan was adopted, however those with no evidence of delivery have been recorded with a zero yield, whilst remaining allocated sites
 - Ongoing liaison with developers and site promoters to ensure an informed and evidence housing trajectory
- 1.14. The Council's response to ID-01 sets out the latest position with regards to the strategic sites [MSDC-01, Table 1 (Response to 3.1)] allocated in the District Plan. The position demonstrates confidence in the delivery of strategic sites which make up a significant proportion of the Council's land supply. In effect, any non-delivery or delayed delivery is already accounted for within the revised residual requirement of 1,280. The over-supply of 484 provides even greater flexibility beyond this, which the Council is confident is sufficient.
- 1.15. One of the aims of the Sites DPD is to allocate sufficient housing sites to meet residual housing requirement to 2031. This relates to the residual housing requirement set out within the District Plan (as updated), covering the same plan period. However, the District Council has already commenced on a review of the District Plan. This will establish whether strategic policies (such as the housing requirement) need updating and, if required this will be addressed as part of any update. The District Plan review process provides an opportunity for further allocations should they be required.
- 1.16. The Council has proposed allocations with the Sites DPD following a robust and transparent site selection process. This process identified sites with a total yield of 1,764 dwellings, which has been thoroughly tested through the evidence base (including Sustainability Appraisal and Habitats Regulations Assessment). This represents an over-supply that, in the Council's view, is deliverable and sufficient to provide flexibility and resilience without being at a level which would have negative impacts (with respect to environmental policies or infrastructure capacity).

If the Plan is insufficiently flexible what steps should the Council take to rectify this?

- 1.17. Some objectors believe the over-supply should be greater. To increase the over-supply the Council could theoretically allocate additional sites within the Sites DPD, however, the Council do not feel this is necessary as:
- There is confidence in the housing delivery trajectory, demonstrated by the progress on strategic sites (set out in detail in response to Q3 of MSDC-01), no further over-supply is required
 - An over-supply of 484 dwellings within the DPD is already adequate and already fully accounts for known delivery/trajectory issues that have arisen since the District Plan was adopted

- Clear and robust justification for the rejection of alternative sites (set out in Site Selection Paper 3 [SSP3]) would make it difficult to allocate further sites within the DPD at this stage.
- Any additional allocations would require a re-assessment of in-combination transport impacts (through the Strategic Transport Model) and subsequent air quality testing for potential impacts on Ashdown Forest in a context where capacity is constrained.

1.18. The NPPF (paras 11 and 60) requires strategic policies to provide for objectively assessed housing needs as well as unmet needs elsewhere as a “minimum”. This implies that local authorities should plan for beyond the minimum level in order to provide flexibility. There is nothing in the NPPF or Planning Practice Guidance suggesting that there is maximum level of over-supply therefore there is no soundness argument in this respect. At the same time there is no explicit requirement for a buffer on overall provision and a requirement to review plans every 5 years.

Is the buffer excessive in relation to the requirements of paragraph 73 of the NPPF or Framework?

1.19. The Council notes that some objectors refer to paragraph 73 of the NPPF in relation to the over-supply and seek to compare the over-supply with the requirements of this paragraph.

1.20. Paragraph 73 relates to the supply of *“specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies”*. It then goes on state that the *“supply of specific deliverable sites should in addition include a buffer (**moved forward from later in the plan period**) of:*

- a) 5% to ensure choice and competition in the market for land; or
- b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply”

1.21. The Council notes that some objectors compare the over-supply proposed within the Sites DPD (either an 37.8% increase in the residual figure, or 2.95% above the total housing requirement) with the buffers in paragraph 73 of the NPPF however they are two completely different things and it is incorrect to compare the two.

1.22. Paragraph 73 is clear that the buffers referred to are to be used in the calculation of the authority’s five-year housing land supply, effectively moving supply forward in the plan period. The buffers are not a measure or requirement for an authority to provide any over-supply against the established housing requirement.

1.23. For clarity, the latest Housing Delivery Test result (January 2021) indicates that the Council should currently apply a 5% buffer when calculating its five-year housing land supply in accordance with the requirements of paragraph 73. This does not require the Council to over-supply against its total housing requirement by 5%.

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

MSDC Response:

- 1.24. MSDC does not consider it appropriate to build in an allowance for non-implementation into the Plan.
- 1.25. A non-implementation rate of 40% is already applied to small sites (1-5 units). This is because monitoring shows that about 40% of small site permissions are not implemented. Therefore the figure of 9,689 commitments [H2] only includes 253 units from small sites [H5], which is 60% of the total small site commitments.
- 1.26. Monitoring of larger sites is undertaken on a site by site basis and the housing trajectory is amended to reflect this. Whilst the timescale of delivery may change there isn't evidence that permissions on larger sites lapse to the same extent as on small sites, to warrant an arbitrary 10% non-implementation allowance.
- 1.27. [H5] is a list of all large commitments. Although there are a few allocated sites in the Small Scale Housing Allocations DPD (2008) and Neighbourhood Plans where there is no evidence of delivery within the Plan period, the yield (around 40 units in total) from these sites has not been included in the housing supply figures. This demonstrates a precautionary and evidenced based approach to the inclusion of commitments in the housing supply.
- 1.28. A similar argument for the inclusion of a 'non- delivery' allowance was made at the District Plan Examination. In his report, the Inspector concluded that [DPD8, paragraph 36]
- "For large sites, there is no adequate evidence to suggest that a lapse rate should be applied".*
- 1.29. There is no evidence to suggest that this position has changed and therefore there is no justification for the application of a 10% non-implementation allowance.

*(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?*

MSDC Response:

- 1.30. The Council's response to ID-01 sets out the latest position with regards to strategic sites [MSDC-01, Table 1 (Response to 3.1)]. The position demonstrates that significant progress is being made in the delivery of strategic sites including the Northern Arc which, in 2018 was acquired by Homes England and is being delivered as one of their flagship schemes.
- 1.31. Although the delivery of 713 units on the Northern Arc will fall into the next plan period this has already accounted for within the revised residual requirement of 1,280. The over-supply of 484 provides even greater flexibility beyond this, which the Council is confident is sufficient.

1.32. In view of these factors, no additional housing allocations are required.

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;*

MSDC Response:

2.1. The proposed distribution of allocations in the Sites DPD is consistent with the sustainable pattern of growth established within the District Plan. In addition, the Site Selection Process has carefully considered the impact of growth on the environment by assessing each site against a range of environmental criteria.

Sustainable Pattern of Growth

2.2. The adopted District Plan sets the housing requirement and spatial strategy for development in policy **DP4: Housing**. The district housing requirement of 16,390 dwellings is distributed amongst 5 Settlement Categories which were established through the Settlement Sustainability Review (May 2015) [O21] prepared to support the District Plan. The settlement categories and minimum housing requirements are set out in DP4 and SA10:

Category	Settlements	Minimum Requirement over the Plan Period
1 – Town	Burgess Hill East Grinstead Haywards Heath	10,653
2 – Larger Village (Local Service Centre)	Copthorne Crawley Down Cuckfield Hassocks and Keymer Hurstpierpoint Lindfield	3,005
3 – Medium Sized Village	Albourne Ardingly Ashurst Wood Balcombe Bolney Handcross Horsted Keynes Pease Pottage Sayers Common Scaynes Hill	2,200

	Sharpthorne Turners Hill West Hoathly	
4 – Smaller Village	Ansty Staplefield Slaugham Twineham Warninglid	82
5 - Hamlets	Birch Grove Brook Street Hickstead Highbrook Walstead	N/A
	Windfall	450
	TOTAL	16,390

Table 2: District Plan DP4: Housing

- 2.3. The primary principle of site selection within the Sites DPD has been to allocate sites as consistently with DP4 as possible. DP4 was established as ‘policy-off’ therefore it is only at site allocations stage that other factors can be considered. Supporting text to **DP6: Settlement Hierarchy** explains that the requirements may need to change over the plan-period as a result of allocations, under or over-delivery by settlements and the identification of future constraints.
- 2.4. Policy SA10 within the Sites DPD updates the position as at 1st April 2020 and includes the “Updated Minimum Residual Housing Figure” for each Settlement Category – this is the residual housing requirement which is within the remit of the DPD to find. SA10 also sets out the total yield expected from the sites proposed within the DPD (policies SA12 – SA33). This is summarised in Table 3 below, with an additional column which shows the difference between the Minimum Requirement and the proposed supply. Undersupplies within category 2 and 3 are 3% and 6% of the category requirements respectively and are considered to be reasonable as no allowance is made (within specific categories) for windfalls.

Category	Settlements	Minimum Requirement over the Plan Period	Updated Minimum Residual Housing Figure	Site Allocations – Housing Supply	Difference between Residual and Supply
1 – Town	Burgess Hill East Grinstead Haywards Heath	10,653	706	1,409	+703
2 – Larger Village (Local Service Centre)	Copthorne Crawley Down Cuckfield Hassocks and Keymer Hurstpierpoint Lindfield	3,005	198	105	-93
3 – Medium Sized Village	Albourne Ardingly Ashurst Wood	2,200	371	238	-133

	Balcombe Bolney Handcross Horsted Keynes Pease Pottage Sayers Common Scaynes Hill Sharpthorne Turners Hill West Hoathly				
4 – Smaller Village	Ansty Staplefield Slaugham Twineham Warninglid	82	5	12	+7
5 - Hamlets	Birch Grove Brook Street Hickstead Highbrook Walstead	N/A	N/A	N/A	N/A
	Windfall	450			
	TOTAL	16,390	1,280	1,764	+484

Table 3: Settlement Hierarchy and Delivery

- 2.5. As demonstrated above, following the Site Selection process and selection of preferred sites within the Sites DPD, the housing allocations within the Sites DPD are also consistent with the strategy of Policy DP4 which recognises that the larger settlements are the most sustainable locations for growth.
- 2.6. As the requirement figures at a settlement category level were 'Policy Off', it is inevitable that, once running the site selection process, some settlements/categories would not be able to meet their requirement entirely through plan allocations. For example, category 3 is unable to meet the requirements set out in DP4. Of the 12 settlements in this category, 8 are wholly within the High Weald Area of Outstanding Natural Beauty, with a further 2 adjoining. The shortfall at this category has been met by the more sustainable settlements in the hierarchy in accordance with the methodology [SSP3 para 2.4.5]
- 2.7. The over-provision at Category 1 of 703 dwellings compared to residual requirement reflects the inability of categories 2 and 3 to meet their need. It also includes the 484 dwelling over-provision as concluded in the Sustainability Appraisal [SUS1, Table 17 and para 6.48].
- 2.8. Overall the collection of site allocations within the Sites DPD is therefore in accordance with the sustainable pattern of growth established in DP4.

Environmental Considerations

- 2.9. The Site Selection process, incorporating the Site Selection papers [SSP1, SSP2, SSP3, SSP4] and Sustainability Appraisal [SUS1] has fully accounted for potential impacts on key environmental considerations.

2.10. Site Selection Paper 2 [SSP2] sets out the methodology for site selection, establishing a range of criteria that were used in the process. A total of 17 criteria were used to assess housing sites, 19 for employment – of these, 9 criteria related to key environmental constraints:

Environmental Criteria	
1	AONB
2	Flood Risk
3	Ancient Woodland
4	SSSI/Local Wildlife Sites/Local Nature Reserves
5	Heritage – Listed Buildings
6	Heritage – Conservation Areas
7	Archaeology
8	Landscape Capacity / Suitability
9	Trees / Tree Preservation Orders

Table 4: Site Selection - Environmental Criteria

2.11. The performance against these criteria was based on advice from external and internal experts – for example, the High Weald AONB Unit, and the County archaeologist. Any site having a ‘Very Negative’ impact (Red) on any one of these criteria was immediately rejected. Site Selection Paper 3 [SSP3, Appendix A] summarises the findings of the Site Selection process and the primary reasons for rejecting any site. In some instances, sites were rejected for their ‘Very Negative’ performance against one of the environmental criteria, in other cases sites were rejected for having numerous ‘Negative’ impacts across a range of criteria.

AONB and National Park

2.12. The Council recognises the importance of the AONB and the setting of the adjacent South Downs National Park and their status within national policy and has given this due consideration during the preparation of both the District Plan and the Sites DPD. The criteria used, and weighting accorded to them, reflect this.

2.13. The Council’s response to ID-01 [MSDC-01, section 2] details the justification for allocating dwellings within the AONB. The justification is based upon:

- The findings of the District Plan Inspector, who stated that further allocations would be required in the AONB to meet the housing requirement;
- The distribution of the housing requirement to settlements (DP6: Settlement Hierarchy), including providing a minimum residual figure to settlements wholly within the AONB;
- Selecting only the most suitable sites, rejecting those that were likely to have a High Impact on the AONB; and
- Carrying out a thorough and robust assessment of ‘Major Development’ [TP1] and selecting only sites that were considered not major. This approach and conclusions are supported by the High Weald AONB Unit and Natural England.

2.14. Of the 22 housing sites contained within the Sites DPD, 6 of these are within the AONB – representing only 1.1% of the total plan period supply of 16,874 dwellings. The Sites DPD is therefore only promoting **limited** growth in the AONB, in accordance with NPPF paragraph 172. This is in the context of 50% of Mid Sussex being within the High Weald AONB. For the sites proposed for allocation within the AONB, specific

policy requirements are included to ensure future development proposals mitigate any negative impacts.

- 2.15. Of the 22 sites proposed, only 3 are within the setting of the South Downs National Park – SA12: Land south of 96 Folders Lane, Burgess Hill; SA13: Land south of Folders Lane and East of Keymer Road, Burgess Hill; and SA24: Land north of Shepherd’s Walk, Hassocks (which has already been granted planning permission). Policy requirements include the need for a Landscape and Visual Impact Assessment (LVIA) to be submitted to inform layout considerations, and other requirements to protect the setting of the South Downs National Park. These have been included in response to concerns raised by the South Downs National Park Authority at Regulation 18 stage – a Statement of Common Ground has been submitted that confirms this ongoing engagement and that both parties agree that these sites are able to accommodate development.

Ashdown Forest 7km Zone of Influence

- 2.16. The Council recognises the importance of the Ashdown Forest SPA and SAC, a European nature conservation site.
- 2.17. District Plan Policy DP17 sets out an avoidance and mitigation strategy for reducing the impact of recreational disturbance on Ashdown Forest. The Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach set out in Policy DP17 aligns with the strategic solution for recreational disturbance on the Ashdown Forest SPA. This strategic solution ensures the requirements of the Habitats Regulations are met regarding the in-combination effects of increased recreational pressure on the Ashdown Forest SPA arising from new residential development. SANG and SAMM mitigation is required for new residential development within the 7km zone of influence surrounding the Ashdown Forest SPA. Natural England supports the strategic solution for recreational disturbance.
- 2.18. The proposed site allocation SA20: Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead includes the provision for a c.43 ha on-site strategic SANG on the western side of the site. Work has been ongoing with the site promoters to refine the details of this proposed strategic SANG and it has also been considered through the Habitats Regulations Assessment (HRA) for the Site Allocations DPD. The site promoters have confirmed their support for the proposed on-site SANG to be a strategic SANG which means that the additional capacity that it has will be used for other developments within the 7km zone of influence. The proposed SANG associated with the proposed site allocation SA20 has the capacity to accommodate the number of dwellings proposed for SA20 (550 dwellings) as well as sufficient capacity to meet the other proposed site allocations included in the Site Allocations DPD that will require SANG mitigation (425 dwellings).
- 2.19. The second part of the mitigation is to provide a contribution towards a SAMM strategy. This aims to manage visitors on-site at Ashdown Forest. The District Council agreed a Joint SAMM Strategy on the 15th January 2018 and it came into effect on the 1st April 2020. The Joint SAMM Strategy is a strategic co-ordinated approach to mitigation in partnership with Lewes, Sevenoaks, Tandridge and Wealden District Councils, Tunbridge Wells Borough Council, Natural England, and the Conservators of Ashdown Forest.
- 2.20. The HRA for the Sites DPD [HRA1] concludes as follows:

‘A strategic approach to mitigation for recreation impact has been established and is set out in Policy DP17. Mitigation delivery involves both on-site access management measures (SAMM) and alternative sites (SANGs). Checks show that there is sufficient capacity for SANGs. With the mitigation in-place it is possible to rule out adverse effects on integrity, both alone and in-combination with neighbouring authorities.’ (paragraph 5.41)

‘The collection of SAMM contributions is within adopted planning policy in the District Plan and is working well. The SAMM aspects of the strategy will continue to be implemented, giving certainty in the function of this part of the strategy.’ (paragraph 6.4)

‘An area of search for SANG is included within the Site Allocations DPD, recognising the need for further SANG capacity following the implementation of the first strategic SANG at East Court and Ashplats Wood, East Grinstead, in 2015. The potential SANG offers a viable option at this stage in plan making, and has been refined since the previous iteration of the HRA.’ (paragraph 6.5)

- 2.21. The Council considers that Policy DP17 adequately addresses the potential recreational impacts to the Ashdown Forest SPA and provisions have been made for appropriate SANG and SAMM mitigation. Additionally, Policy SA GEN requires the housing allocations within the 7km zone of influence to provide mitigation in accordance with DP17. The Sites DPD has, therefore, taken into account the Ashdown Forest SPA through the HRA [HRA1] and ensured that any new development within the 7km zone of influence shall have the appropriate level of mitigation. It has not been used as a constraint to restrict development.

Other Environmental Constraints

- 2.22. Other environmental considerations such as landscape, conservation, wildlife and flood risk were all considered during the Site Selection process and have specific criteria related to them with those performing “Very Negative” against those criteria rejected. Site Selection Paper 3 [SSP3, Appendix 1] also sets out the reasons for rejecting sites – in some cases this has been due to the combination of impacts on more than one objective.
- 2.23. The Sustainability Appraisal uses many of the same environmental objectives by which to appraise the sites and policy options.
- 2.24. The Council is therefore confident that it has robustly considered the impact of the distribution and selection of sites against environmental criteria and weighed the delivery of housing (i.e. the need to meet the District Plan housing requirement set out in DP4, which in itself was subject to sustainability appraisal) against any negative impact. Negative impacts have been mitigated by way of policy requirements – as indicated in response to Matter 2 [MSDC-02b, Q2.3].

*(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?*

MSDC Response:

- 2.25. Requirements for individual settlements are not set out in DP4 but DP6 includes an indicative table within supporting text. The supporting text to **DP6: Settlement Hierarchy** provides guideline requirement figures for each settlement. The minimum residual (2,439 as at April 2017– now revised to 1,280 in SA10) was distributed to individual settlements based on an agreed methodology [H3]. This provided an indication of expected growth for those preparing Neighbourhood Plans (or reviewing existing plans) and for the Sites DPD.
- 2.26. The minimum figures within DP6 were established ‘policy-off’, with the exception of an allowance for the location of strategic sites [H3, para 24] and settlements within the AONB [H3, paras 28-29]. The District Plan [DP5, page 36] notes that the settlement requirements will need to change in response to:
- The allocation of additional sites by the District Council
 - Under or over-delivery by settlements – albeit the figures are assumed to be minima
 - The identification of future constraints
- 2.27. These three factors were taken into account during the site selection process [SSP2] which arrived at the sites proposed for allocation in the Sites DPD. This provides some flexibility in relation to those settlements who, as at March 2017, had allocated sufficient dwellings to meet the minimum figures set out in DP6. For instance, should other settlements be unable to meet their requirement (for example, due to a lack of suitable sites or environmental/ infrastructure constraints), it would be expected that other settlements should allocate additional growth above the minimum figures in order for the district’s housing requirement to be met.
- 2.28. The District Plan states this clearly on page 38, *“Some settlements (Burgess Hill, Hassocks, Hurstpierpoint, Ashurst Wood, Handcross, Pease Pottage, Scaynes Hill, Ansty, Staplefield, Slaugham and Warninglid) have already identified sufficient commitments/completions to meet their minimum housing requirement for the full plan period and will not be expected to identify further sites within Neighbourhood Plans. However, this does not preclude Town and Parish Councils from identifying further sites within the Neighbourhood Plans should they wish to do so, in order to boost supply. Similarly, further sites may be allocated in the future to ensure the minimum residual for each settlement category (set out in DP4: Housing) is met, based on monitoring.”*
- 2.29. The Council therefore considers that it is entirely appropriate for the Sites DPD to allocate additional housing in settlements where DP4/DP6 had identified no further allocation was needed (at that time) in order to fulfil its aim of meeting the district’s housing requirement in full. The Site Selection process has ensured only the most suitable and sustainable sites have been proposed for allocation, and that exercise has taken place in the context of the settlement hierarchy and principle of focussing growth on the most sustainable settlements within the hierarchy.
- 2.30. As described in response to Q3.1(i), the allocations proposed are consistent with the spatial strategy of the District Plan which seeks to focus growth at the most sustainable settlements.
- 2.31. The settlement hierarchy was developed using evidence within the Settlement Sustainability Review [O21] which placed settlements into categories based on accessibility of local services, facilities, employment opportunities and with minimal

impact on the natural environment. Those settlements at Category 1 – Towns are concluded to be more sustainable than those in Category 2 – Larger Villages, and so on. This approach was tested in the Sustainability Appraisal accompanying the District Plan and concluded as the most sustainable.

- 2.32. The minimum requirements for each settlement category were established within the District Plan and the minimum residual requirements for each category are set out in SA10 taking into account latest data on commitments. Table 2.4 of SA10 also indicates how the housing supply allocation compares with the minimum residual requirements (also referred to in Q3.2(1) Table 3 above). This demonstrates that proposed allocations are in accordance with the spatial strategy of the District plan, i.e. locating growth in the most sustainable locations.
- 2.33. The Sites DPD proposes an over-supply of 484 dwellings to provide flexibility and resilience. The Sustainability Appraisal [SUS1, Table 17 and para 6.48] concludes that any over-supply should be directed to the highest settlement category in the hierarchy, as this would provide additional housing with the least impact on sustainability objectives. The over-supply of 484 dwellings is wholly directed to Category 1, as per the findings of the Sustainability Appraisal [SUS1, page 59].

(iii) Strictly controlling development in the open countryside;

MSDC Response:

- 2.34. The District Plan provides a clear framework for the protection of the countryside and protected landscapes (**DP12: Protection of the Countryside, DP16 High Weald Area of Outstanding Natural Beauty and DP18: Setting of the South Downs National Park**). Mid Sussex is a rural District with limited opportunities for development within existing built up areas, therefore development within the countryside is required to meet housing and employment requirements.
- 2.35. As set out in Site Selection Paper 2 [SSP2] the site selection process has sought to avoid the most protected and sensitive landscapes, with the weighting afforded to each criterion, being consistent with the aims of conserving and enhancing the environment. The SA concludes that the District Plan housing and employment needs can be met in a sustainable manner. Where a negative sustainability impact has been identified, it is to be mitigated against through site specific policies, or in some cases, is indicative of an inevitable conflict between allocating land for housing and protecting the environment (as described in the Regulation 19 SA Main Report [SUS1]).
- 2.36. The adoption of the Sites DPD will enable the housing and employment requirements to be met and secure the 5-year housing land supply. This will enable the determination of planning applications in accordance with the Development Plan, securing the protection of the open countryside from speculative, unsustainable development proposals.

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

MSDC Response:

- 2.37. Site Selection Paper 2 [SSP2] methodology enabled sites within the built-up area to 'score' more favourably than those with low capacity for development in countryside areas. However, the rural nature of Mid Sussex means that there is not an abundant supply of deliverable previously developed sites. In the SHELAA there are only 13 sites out of 261 potential sites that are previously developed within existing built up areas, only one of which (SA16) was considered suitable for allocation. 8 had uncertain prospects of delivery such as no evidence that the site was available for development, 3 had constraints which were not capable of mitigation such as impact of SSSI, Ancient Woodland, or harm to a heritage asset and 1 site already formed part of a Neighbourhood Plan allocation.
- 2.38. However, the Council seeks to optimise the use of previously developed sites which come forward in Mid Sussex both through the application of Policy DP26 Character and Design of the District Plan and the guidance set out in the recently adopted MSDC District Wide Design Guide (O19). Chapter 5 of the Design Guide sets out guidance on Site Optimisation and particularly on intensification in town centres.
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*(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?*

MSDC Response:

- 2.39. The District Plan 2014-2031 sets out a vision and strategic objectives for future development in Mid Sussex. One of these objectives (Strategic Objective 6) is to ensure that development is accompanied by the necessary infrastructure so that it is adequately served without overstressing existing infrastructure and putting an unacceptable strain on the environment, and to create sustainable communities.
- 2.40. To help deliver this Strategic Objective, the District Plan introduced Policy DP20: Securing Infrastructure which requires contributions towards infrastructure from new development. It is also supported by an Infrastructure Delivery Plan as well as the Mid Sussex Development Infrastructure and Contributions Supplementary Planning Document [IV5] which sets out the overall framework for the management of planning obligations.
- 2.41. Policy SA GEN of the Sites DPD makes clear that proposed allocations within the Sites DPD are expected to contribute towards necessary infrastructure provision in line with the overall strategy set out within the District Plan to ensure that infrastructure needs are met.
- 2.42. For additional certainty and clarity, the Sites DPD is supported by a dedicated Infrastructure Delivery Plan (IDP) [IV1] which identifies the likely future infrastructure requirements for each proposed allocated site as a result of anticipated growth.
- 2.43. The costs shown in the IDP schedules for each site are based on advice provided by infrastructure providers and is in line with the Development Infrastructure and Contributions SPD [IV5]. However, it is recognised that final amounts will be subject to statutory and policy tests being met and finalised through the planning application process. It is accepted that infrastructure costs may change over time as further information becomes available and infrastructure projects are refined. However, it

should be noted that the IDP is intended to be a live document that can be updated as and when necessary to ensure that the District Plan Strategic Objective 6 is achieved throughout the implementation of the Sites DPD.

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:

MSDC Response:

- 3.1. The Council has worked closely with the site promoters and developers during the preparation of the Plan. This has enabled matters and issues identified through liaison with key stakeholders and infrastructure providers, to be addressed during policy writing, ensuring that there should be 'no surprises' for developers at planning application stage. The work that site promoters have undertaken such as LIVA, for landscape sensitive sites; liaison with highway authorities and early engagement with conservation officers have help refined the yield that it anticipated from each site.
- 3.2. The Council has encouraged site promoter to provide indicative layouts and share supporting information which demonstrate that anticipated yields are achievable. This information is available for the majority of sites and can be viewed in the [Site Allocations Library](#).
- 3.3. Each site promoter has provided information on the anticipated timescales for the deliver of the site which have informed the housing trajectory. The Council is confident that the proposed new homes total in each of the allocations can be implemented in accordance with the housing trajectory.
- 3.4. A separate paper MSDC-02c Matter 3.3, demonstrates the sustainability and deliverability of each site.

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?

MSDC Response:

- 4.1. As at 1st April 2020 the Council was able to demonstrate a 5-year housing land supply. This was confirmed most recently in February 2021, by an appeal at Peacocks, Church lane, Horsted Keynes¹. The figure was 5.37 years supply.
- 4.2. The Housing Land Supply Note [H2] set out the housing trajectory following adoption of the Sites DPD. The sites DPD will add an additional 575 units to the 5-year supply, in years 4 and 5, as set out in the table below. This increases the 5 year supply to 5.95 following adoption of the sites DPD. It is anticipated that the first completions on sites allocated in the DPD will be seen during 2023/24. These sites are all viable and

¹ APP/D3830/W/19/3242226

deliverable as demonstrated by the submissions of the site promoters and MSDC evidence including the Viability Assessment Report [IV2 and IV3].

Policy	Site	2023/24	2024/25
SA12	Land South of 96 Folders Lane, Burgess Hill	35	5
SA13	Land East of Keymer Road and South of Folders Lane, Burgess Hill.	50	60
SA15	Land South of Southway, Burgess Hill	30	
SA19	Land south of Crawley Down Road, Felbridge	50	60
SA20	Land south and west of Imberhorne Upper School, Imberhorne Lane,		45
SA22	Land north of Burleigh Lane, Crawley Down	35	15
SA23	Land at Hanlye Lane to the east of Ardingly Road, Cuckfield	40	15
SA21	Rogers Farm, Fox Hill, Haywards Heath	25	
SA28	Land South of The Old Police House, Birchgrove Road, Horsted Keynes	25	
SA29	Land south of St. Stephens Church, Hamsland, Horsted Keynes	30	
SA30	Land to the north Lyndon, Reeds Lane, Sayers Common	35	
SA31	Land to the rear Firlands, Church Road, Scaynes Hill	20	

Table 5: Sites that will contribute to the 5-year supply.

4.3. The Council will be able to demonstrate a five-year housing land supply upon adoption of the Plan.

3.5 Windfall Sites

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

MSDC Response:

5.1. Para 68 of the NPPF encourages local planning authorities to support the development of windfall sites through policies and decisions giving great weight to the benefits of using suitable sites within existing settlements for homes. The principle of including a windfall allowance as a source of supply was established through the District Plan, which included a windfall allowance of 45 units per year. Monitoring of the allowance since the adoption of the District Plan has provided sufficient evidence to justify an increase to 84 units per year.

5.2. The Windfall Sites Update Note [H1] explains why a windfall allowance has been included as part of the housing land supply and sets out the evidence to justify an increased allowance of 84 units per year. An allowance of 84 units a year from year 5 onwards represents a realistic approach to windfalls, which acknowledges that whilst windfalls do contribute to the overall housing supply the planning system is Plan led and therefore a modest windfall allowance should be applied.

5.3. A review of the representations received on this matter show there is a clear split between the views of site promoters who think the allowance should be lower to enable

more sites to be allocated, and Parish Councils ² who think the allowance should be higher to enable fewer sites to be allocated. MSDC considers that the approach to meeting housing need should be plan-led, however as there is a strong history of windfalls within Mid Sussex (including policy DP6 which supports sites fewer than 10 dwellings where policy requirements are met) its approach is evidence based and robust which neither seeks to under- or over-rely on windfalls. The windfall allowance within the Sites DPD is therefore consistent with the approach agreed within the District Plan (albeit the figure has been updated) and provides flexibility and resilience to the housing supply.

3.6 Additional Sites

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?*

MSDC Response:

- 6.1. As set out in the response to Matter 3.1 the Council is confident that its housing trajectory is robust, and the Plan is sound and therefore does not consider that the Plan should identify additional allocations.
- 6.2. Paragraph 67 of the framework requires planning policies to identify a supply of:
 - a) *specific, deliverable sites for years one to five of the plan period; and*
 - b) *specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.*
- 6.3. The District Plan, the Sites DPD and made Neighbourhood Plans already allocate/seek to allocate specific and deliverable sites over the whole Plan period.. This approach ensures even greater certainty of delivery.
- 6.4. The timely adoption of the Site DPD is important to enable the Council to maintain a 5 year supply of housing in the short term, ahead of the adoption of the District Plan Review.
- 6.5. Paragraph 68 of the framework requires local planning authorities to promote the development of a good mix of sites and states

“Local planning authorities should:

 - a) *identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;*
 - b) *use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;*

² Parish Councils – Ansty and Staplefield (617) Cuckfield (726), Worth (625), Bolney (784), Lindfield (1722)

c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and

d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes”

- 6.6. Paragraph 68 (a) notes that 10% of the housing requirement should be met on sites no larger than 1ha. The development plan for Mid Sussex includes the District Plan, Neighbourhood Plans and the Sites DPD which contains a range of site sizes from 12 – 500 dwellings. The total supply from the Development Plan as a whole, inclusive of the Sites DPD, delivers 14.7% of the total requirement on sites of less than a hectare. The Sites DPD contributes to this as it allocates a range of site sizes, including small and medium sized sites, with 17 of the 22 sites delivering less than 100 units.
- 6.7. In accordance with the relevant legal requirements, the Council publishes a brownfield register annually, which identifies small previously developed sites in accordance with 68 (a).
- 6.8. The Council supports the development of windfall sites through its policies and decisions, in accordance with 68 (c). This is demonstrated by the reduction in the ‘residual’ amount remaining as explained further in response to Q3.1 (i).
- 6.9. Experience of the delivery of strategic sites in Mid Sussex shows that the use of different ‘product’ offer (Pease Pottage) and the subdivision of sites to different developers/outlets (Northern Arc) can also speed up the delivery of larger sites. The Council will continue to work with developers to ensure delivery of larger sites is optimised, as required under paragraph 68 (d).

3.7 Non-Delivery

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

MSDC Response:

- 7.1. See response to Q3.1 (iii).

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]?

MSDC Response:

- 8.1. The Sites DPD is a daughter document of the District Plan. As such, all sites are required to meet the policy requirements of the District Plan in relation to the provision

of affordable housing (Policy DP31) and accessible housing (Policy DP28). These are not matters that are within the scope of the Sites DPD.

8.2. There is no requirement for student housing in the District Plan, therefore it is not a matter for the Site DPD.

8.3. With regard to the provision of older persons' accommodation (Use Class C2) and care homes, the position of the Council is set out in Topic Paper 4 [TP4]. As set out in TP4 the Council does not consider it necessary to allocate more sites for C2 or care home use other than that sought in SA20. The key reasons for this are:

- The District Plan includes facilitative policies, such as DP30: Dwelling Mix, to enable specialist accommodation to come forward.
- The rate of new development coming forward does not suggest any current significant unmet need or excess demand.
- Aside from SA 20, no other suitable sites have, to date, been identified. See Site Selection Paper 3: Housing Sites.

8.4. In addition, work has commenced on the District Plan Review, which will review the current needs for specialist accommodation for older people and it will be through this work that the strategy for meeting future need will be developed. Consultants were appointed in April 2021 to undertake this work.

8.5. Policy DP30: Housing Mix (and by reference DP33: Gypsies and Travellers and Travelling Showpeople) indicates that the Council will ensure a sufficient amount of culturally suitable housing for settled Gypsies, Travellers and Travelling Showpeople through a range of means including ensuring provision of such pitches on strategic sites. One strategic site is proposed to be allocated through the Sites DPD, site SA20 and this policy makes clear that the provision of pitches for Gypsy and Travellers may be required in accordance with DP30 and DP33.

8.6. It is not within the scope of the Sites DPD to review the Gypsy and Traveller requirement, which will be reviewed as part of the District Plan review. Consultants were appointed in March 2021 to undertake this work.

3.9 Size of Housing Allocations

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

MSDC Response:

9.1. DP30: Housing Mix provides the policy framework to ensure that the housing size and type meets the needs of all sectors of the community. The policy requires housing development to "provide a mix of dwelling types and sizes that reflects current and future local needs"

9.2. SA GEN: also requires a suitable mix of housing in line with District Plan Policies.

9.3. The District Plan does not prescribe dwelling mix requirements, as it is for the Development Management process to determine if the dwelling mix is satisfactory.

9.4. The Sites DPD allocates a range of sites sizes capable of yields from between 12 – 550 units, which will enable a variety of dwelling types to be provided. In addition, as set out

in the response to Q.3.4 above, the total housing requirement will be met by a range of site sizes, including 14.7% on sites of less than 1 hectare in accordance with paragraph 68(a) of the NPPF.

3.10 Other Housing Issues

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

MSDC Response:

10.1. The Council does not consider there are any other housing issues which this Plan should be addressing. If there were any issues identified, then these should be addressed through the District Plan Review.