

**FAO Charlotte Glancey
Banks Solutions
80 Lavinia Way
East Preston
West Sussex
BN16 1DD**

6 September 2021

Dear Charlotte,

**Mid Sussex Site Allocations Development Plan Document Examination
Response to AP12 – Proposed Allocation SA22 – Land North of Burleigh Lane, Crawley
Down
Andrew Black Consulting on behalf of Vanderbilt Homes**

I write in response to the invitation of comments from participants in the hearing session to the Post Hearing Action Points. This letter sets out the position of Vanderbilt Homes in relation to AP12 concerning proposed allocation SA22 (Land North of Burleigh Lane).

The Statement of Common Ground (SOCG) from the site promoter states that the allocation requires access to be provided from Sycamore Lane or Woodlands Close. There are no objections raised in terms of the technical compliance from either option. However, it is clear that neither of the options are currently achievable, given legal ownership.

The SOCG sets out that the promoter of the site is currently pursuing options for access over the land owned by Burleigh Woods Management Company and that this formal engagement process is yet to begin. It is our understanding that the Management Company is solely owned by the existing residents of Sycamore Lane and there appears to be no evidence that those residents would vote in favour of providing access to the site promoter. No indication is given on how such a vote would work but is our understanding that unanimous support is required from all shareholders of the management company in order for any further purchase or agreement to proceed. Further clarification should be sought from the site promoter in this regard.

The SOCG goes onto state that a further option of access of Woodlands Close through the removal of an existing property, or number of properties, is being considered. Again, no evidence is provided that would suggest that any of the properties are willing to provide access. The fact that this option remains in consideration demonstrates that the promoter has concerns over whether the preferred option of access from Sycamore Lane can be achieved.

Paragraph 68 of the NPPF sets out the requirement of local authorities to identify a sufficient supply of sites taking into account their availability. Requirement a of paragraph 68 requires

such sites to be *deliverable* in order to be considered within the first five years of the plan period.

The glossary of the NPPF sets out the definition of *deliverable* as follows:

To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) *Site which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long terms phasing plans)*
- b) *Where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principles, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will be on site within five years.*

It is noted that the council has moved the dwellings out of the initial five year supply of the development plan to indicate delivery in the 6-10-year period. This is presumably due to the concerns over the access arrangements to the site. Part b of paragraph 68 requires sites to be *developable* in order to be considered in years 6-10 or 11-15.

The glossary of the NPPF goes onto set out the definition of *developable* as follows:

*To be considered developable, sites should be in a suitable location for housing development **with a reasonable prospect that they will be available and could be viably developed at the point envisaged.***

The information provided within the SOCG provides no evidence that there is a realistic prospect that the site will be available or could be developed viably. There is no reasonable likelihood that the shareholders of the management company will vote in favour of granting access. There is also no realistic prospect of an access becoming available from Woodlands Close in order for the alternative access to be provided.

On this basis alone it is considered that the site must be removed from the list of allocated sites within the DPD and the housing land supply adjusted accordingly.

Yours Sincerely



Andrew Black

07775 912 653

andrew@andrewblackconsulting.co.uk