



Representation to the Examination of the Mid Sussex District Plan 2021-2040 – Matter 2

DMH Stallard LLP on behalf of Riverdale

Land South of Henfield Road, Sayers Common

February 2026

Introduction

Riverdale considers that the DP's approach to housing supply and headroom is currently unsound. This is for the reasons set out below, which address each of the Inspector's questions in turn.

At the outset, Riverdale draws a distinction between two matters:

1. Whether the DP's housing requirement is high enough (which, as set out in Riverdale's Matter 1 statement, Riverdale submits it is not); and
2. Whether the DP's housing supply and identified allocations are sufficient to support the housing requirement.

Riverdale submits that the answer to both questions is no. Regardless of whether the housing requirement is increased, the DP has not identified sufficient allocations to ensure a robust and rolling five-year housing land supply throughout the plan period. As demonstrated in Riverdale's Matter 1 Statement, a uniform trajectory would result in a five-year supply shortfall on adoption, whilst a stepped trajectory merely delays the deficit to the step-up point. Both scenarios point to a fundamental insufficiency in allocated sites.

Matter 2: Housing Supply and Headroom

Whether enough housing land has been allocated to ensure supply and maintain a five-year housing land supply

Summary of Key Concerns:

- The Council's 567-dwelling headroom remains a "relatively small amount" contrary to the Inspector's guidance;
- Heavy reliance on three strategic sites (73% of yield) introduces significant delivery risk;
- A predicted dip to 4.77 years' supply by Year 10 demonstrates the need for additional allocations;
- Specific developable sites, not broad locations for growth, are required to ensure soundness, particularly where (as here) such sites are available and identifiable and because their allocation gives a much greater degree of certainty that they will be delivered, and that the DP's spatial strategy will actually be delivered; and
- If the Council is permitted to rely on a stepped trajectory, the quid pro quo should be the identification of additional allocations to ensure the Plan can survive the step-up point.

(a): Anticipated housing supply over the plan period

The Council's housing supply trajectory is heavily reliant on three strategic sites delivering approximately 73% of the allocated yield (5,300 of 7,262 dwellings). These sites, DPSC1: West of Burgess Hill, DPSC2: Crabbet Park, and DPSC3: Land to the South of Reeds Lane, inevitably carry longer lead-in times and are anticipated to deliver from Year 6 onwards.

This concentration of delivery in a small number of large-scale strategic sites introduces significant risk into the supply trajectory. This risk directly affects the adequacy of headroom (addressed at section (b) below), the reliability of the trajectory (section (c)), and the Council's ability to maintain a rolling five-year supply (sections (f) and (g)).

The Council's own experience is predominantly with relatively small sites with yields of 480, 600 and 500 dwellings respectively. These are not meaningfully comparable to DPSC1, DPSC2 and DPSC3 which have yields of 1,350, 1,950 and 2,000 respectively. It is misguided to assume that the DP's large-scale sites will have the same delivery rates as the much smaller scale extant allocations.

Furthermore, Sayers Common itself is the focus of significant development through sites DPSC3-DPSC7, all of which are under separate control. This, too, could create delivery risks and externalities notwithstanding the Statement of Common Ground which reflects the DP's ambition to see Sayers Common developed comprehensively.

In light of these delivery risks, Riverdale submits that the Council must identify additional specific deliverable and developable sites rather than relying on broad locations for growth, which the Council advises it is "*willing to explore...for development later in the plan period*" at paragraph 3.25 of MS-TP2. This submission is grounded in both national policy and the particular circumstances of the DP¹.

The fundamental difficulty with broad locations for growth is that they do not constitute "*deliverable*" or even "*developable*" sites within the meaning of the NPPF glossary definitions. A site is "*deliverable*" only if it is available now, offers a suitable location for development now, and there is a realistic prospect that housing will be delivered within five years. A site is "*developable*" only if it is in a suitable location with a reasonable prospect of availability and viability at the point envisaged.

Broad locations, by contrast, are merely indicative areas for potential future growth. They do not carry the same certainty of delivery because:

- Site-specific constraints have not been assessed or resolved.
- There is no confirmed developer interest or commitment.
- Infrastructure requirements have not been identified or costed.
- Planning applications cannot be determined until specific sites within the broad location are identified and promoted.
- The lead-in time from broad location identification to first completions is necessarily extended.

As a consequence, broad locations cannot form part of a demonstrable five-year housing land supply. They may contribute to supply in the longer term, but they cannot be counted

¹ Paragraph 69 of the NPPF 2023 establishes a hierarchy for land supply identification. For the first five years following adoption, the NPPF requires the identification of "*specific, deliverable sites*". Only for years 6-10 and 11-15 does the NPPF permit the alternative of "*broad locations for growth*". Critically, the NPPF presents specific developable sites and broad locations as alternatives, it does not mandate broad locations. The Council has discretion to identify specific sites where this would be more effective, and Riverdale submits that this is precisely such a case.

in the rolling five-year calculation that paragraph 77 of the NPPF requires local planning authorities to update annually.

The particular circumstances of the DP make the case for specific sites even more compelling. The Plan is already heavily reliant on three large-scale strategic sites that will not deliver until Year 6 onwards. The Council's own trajectory shows a potential dip to 4.77 years by 2034/35. In these circumstances, what is needed is not broad locations for growth in the later part of the plan period, but specific sites that can deliver early in the plan period as a counter to the Plan's heavy reliance on large-scale strategic sites.

The identification of specific developable sites gives much more certainty to developers and that in turn makes it much more likely that those sites will actually yield completions during the plan period. This certainty is essential for maintaining the rolling five-year supply because:

- Developers can proceed to planning application stage immediately upon adoption.
- Site-specific infrastructure can be programmed and delivered.
- Housebuilders can factor allocated sites into their land pipelines and business plans.
- The Council can monitor delivery against a known trajectory rather than an aspirational estimate.

On a purely practical level, if the Council were to explore options to identify broad locations for development, it would require just as much work-reviewing the SHELAA and conducting a focussed consultation on any modifications relating to a broad locations policy-as it would to bring forward additional allocations. Yet the identification of specific sites would deliver greater certainty and soundness.

The Council's anticipated housing supply over the plan period is insufficiently robust because of its heavy reliance on three strategic sites and its failure to identify sufficient additional specific sites. The suggestion that broad locations for growth might address headroom or supply concerns should be rejected. Broad locations cannot maintain a rolling five-year supply, do not provide the certainty that developers need, and would require equivalent work to identifying specific sites whilst delivering inferior outcomes. The Inspector should instruct the Council to identify additional specific developable sites.

(b): The amount of potential supply headroom over and above the housing requirement

The inadequate headroom identified above flows directly from the supply concentration risks outlined at section (a). The Council's approach to headroom and contingency does not adequately reflect delivery risk. The proposed headroom of 567 dwellings remains a "*relatively small amount of headroom*" (just 2.7% of requirement), which is precisely what the Inspector indicated (rightly) that the Council needed to avoid².

Importantly, the Inspector acknowledges that "*there is no government guidance on the subject of headroom*" but emphasises that "*there is considerable risk in operating with no supply headroom or a very small contingency*" (IDJB-01, Annex 3). In the absence of prescribed rates, the appropriate level of contingency must be determined by reference to a realistic assessment of delivery risk in the specific circumstances of this Plan.

IDJB-03 takes issue with the "*relatively small amount of supply headroom*" in the submitted DP (whereby Policy DPH1 identified 19,620 units need³, 20,616 units total supply, with 996 units for "*resilience and unmet need*" equating to 4.8% of total supply) and makes clear that greater headroom is needed⁴.

The Council's MS-TP2, purports to respond, but does not in fact address this concern:

- At paragraph 3.6, the Council rightly "*recognises the importance in ensuring that a rolling five-year housing land supply can be maintained to prevent the Plan from going out of date*".
- Yet at paragraph 3.12, the Council takes the position that "*only a small headroom allowance is needed to make provision for non-delivery of allocated sites*".
- At paragraph 3.15, the position stated is that "*no headroom should be required in case of non-delivery or delay*".

These positions are internally inconsistent and require reconciliation.

² The Inspector has explicitly stated that "*supply headroom... should in fact be regarded as a necessary contingency, because some allocated or committed sites do not come forward at the time or rate anticipated*" (IDJB-01, Annex 3).

³ In the submitted Plan, Policy DPH1, the term 'requirement' is not used when setting the overall housing provision, instead 'need' is used, but we understand the intention to express the equivalent outcome.

⁴ to "*maintain adequate supply headroom over and above the housing requirement figure*" to "*maintain a rolling 5 year housing land supply, protect the plan, prevent its policies from becoming out of date, and enable the Council to retain full control over housing development during the life of the plan*"

The Council's reasoning at MS-TP2 paragraphs 3.7-3.11 relies on the Housing Delivery Test results from 2021, 2022, and 2023, and suggests that the delivery record for sites allocated in the adopted Development Plan Documents has been "*excellent*". However, the three sites referred to in paragraph 3.9 (DP8: East of Kings Way with 480 dwellings; DP10: East of Pease Pottage with 600 dwellings; DP11: North of Clayton Mills with 500 dwellings) are all relatively small sites. These are not meaningfully comparable to DPSC1, DPSC2, and DPSC3 which have yields of 1,350, 1,950, and 2,000 respectively.

It is clearly not appropriate to assume that the DP's large-scale strategic sites (which the DP relies upon for 73% of its housing during the plan period, such that there is a concentration of delivery risk which warrants close scrutiny) will have the same delivery rates as much smaller scale extant allocations referenced by the Council. The distinction in scale between sites of 480-600 dwellings and sites of 1,350-2,000 dwellings warrants a more cautious approach to delivery assumptions.

Furthermore, Sayers Common itself is the focus of significant development through sites DPSC3 to DPSC7, all of which are under separate control. Whilst the relevant developers have signed a single Statement of Common Ground reflecting the DP's ambition to see Sayers Common developed comprehensively rather than on a piecemeal basis, this too could create delivery risks and externalities that are not accounted for in the Council's headroom calculations.

The Council's approach to headroom is also deficient in the specific respects on delivery assumptions set out in Appendix A.

Considering the adjustments set out in Appendix A, the correct headroom for the plan would be in the region of 1,130 units, representing 5.5% headroom over requirement⁵, together with an additional contingency, potentially 2.5%, for consented sites. This approach would accord with paragraph 74 and in particular paragraph 74(d) of the NPPF 2023.

In summary, reflecting the MS-TP2 Table 13 format, the comparison figures are presented in the table below.

⁵ The proposed housing requirement that now includes unmet need rather than the submitted approach where unmet needs and a modest headroom were both in contingency

Component	Council's Approach (TP2)	Riverdale's Position	Difference
Existing commitments not subject to application (5% vs 20%)	52 dwellings	207 dwellings	+ 155
Unconsented draft allocations (5% vs 10%)	140 dwellings	280 dwellings	+ 140
DPSC2 and DPSC3 delayed delivery	375 dwellings	375 dwellings (removed from trajectory)	—
Additional contingency on remaining DPSC2/DPSC3 units (7.5%)	—	268 dwellings	+ 268
Contingency on consented sites (2.5%)	—	c.80 dwellings	+ 80
Total Headroom	567 dwellings	c.1,130 dwellings	+ 563

The Inspector has identified four distinct benefits that adequate headroom provides:

- (i) maintaining a rolling five-year housing land supply;
- (ii) protecting the plan;
- (iii) preventing policies from becoming out of date; and
- (iv) enabling the Council to retain full control over housing development during the plan period (IDJB-01, Annex 3).

Riverdale's proposed headroom of approximately 1,130 dwellings, approximately 5.5% over requirement, is calibrated to achieve these objectives. The Council's proposed headroom of 567 dwellings, a margin of just 2.7% over the housing requirement, does not, and would be unsound in that respect because, in short, the supply that it would bring forward over the plan period would not meet the four distinct benefits identified by the Inspector.

Riverdale submit that the approach it has outlined in this representation is needed to render the DP sound. The adequacy of headroom is therefore not merely a matter of supply resilience and future proofing the DP against reasonably foreseeable delivery risk; it is also relevant to whether the Plan can achieve the longevity and effectiveness that the tests of soundness require.

(c): The supply trajectory over the plan period

The headroom deficiency identified at section (b) has direct consequences for the supply trajectory. The Council's rolling five-year supply trajectory shows a potential dip to 4.77 years by 2034/35, that is, by Year 10 of the plan period. This outcome is not consistent with national policy as set out in the NPPF 2023, which requires there to be a five-year supply of housing plus the relevant buffer.

Even with a stepped trajectory in place, there is predicted to be a shortfall in five-year housing land supply by 2034/35. This is a consequence of the Council not having identified sufficient allocations to support its housing requirement.

The key point is this: the stepped trajectory has the effect of producing a shortfall, in five-year housing land supply terms, soon after the step-up is introduced; and a uniform trajectory (as demonstrated in Riverdale's Matter 1 Statement Tables 1-4) has the effect of producing a five-year housing land supply shortfall on adoption. Whichever way the trajectory card is played, there is either a shortfall soon after the step-up, or at the outset. Both of these data points indicate, unarguably, that the Council has failed to allocate sufficient sites within the supply trajectory, regardless of what the housing requirement is.

This insufficiency of allocations, rather than merely the trajectory methodology, is the underlying cause of the predicted supply failures.

(d): The potential for lower than anticipated supply arising from delivery impediments, longer lead-in times and slower build-out rates

The delivery risks identified at sections (a) to (c) above are compounded by the inherent uncertainties associated with large-scale strategic sites. The DP's heavy reliance on three strategic sites delivering 73% of the allocated yield introduces significant delivery risk. These sites inevitably carry longer lead-in times and are anticipated to deliver from Year 6 onwards.

Paragraph 74(d) of the NPPF 2023 requires strategic policy-making authorities, when planning for larger scale development, to "*make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites*". The Council, absent of Homes England intervention, has no real experience of delivery rates associated with large-scale super-strategic sites such as those proposed. It is therefore essential that robust contingency is built into the trajectory to account for this uncertainty.

(e): The resilience of the plan against such contingencies

For the reasons set out at sections (a) to (d) above, the DP lacks sufficient resilience against the contingencies identified. The modest headroom of 567 dwellings, when considered against the scale of housing proposed and the DP's heavy reliance on three strategic sites, does not provide adequate resilience⁶.

In this context, Riverdale draws the Inspector's attention to paragraph 236 of the NPPF 2024, which provides that if the housing requirement in an adopted plan meets less than 80% of local housing need, the local planning authority will be expected to begin work on a new plan⁷.

(f): The five-year housing land supply position at adoption

A central submission in this representation is that if the Council is permitted to rely on a stepped trajectory to demonstrate a five-year housing land supply on adoption⁸, the quid pro quo should be that the Council is required to identify additional allocations. This would provide a greater degree of confidence that the DP can survive the step-up point without entering five-year housing land supply deficit. The basis for this submission is as follows.

If the Council is permitted to rely on the stepped trajectory in order to demonstrate a five-year housing land supply on adoption and not go straight into the NPPF 2023 paragraph 11(d) presumption in favour of sustainable development territory, the day after the plan is adopted, the quid pro quo should be that the Council is required to identify additional allocations. This would provide a greater degree of confidence that the DP can survive the step-up point without going into five-year housing land supply deficit at or soon after that point. In other words, if the Council is permitted to rely on the stepped trajectory, it should

⁶ The Inspector has emphasised in Annex 3 of his letter (IDJB-01) that it is "*strongly in the Council's interest to maintain adequate supply headroom over and above the housing requirement figure*" in order to "*help maintain a rolling 5 year housing land supply, protect the plan, prevent its policies from becoming out of date, and enable the Council to retain full control over housing development during the life of the plan*".

⁷ Though this relates to transitional provisions of the NPPF 2024, rather than NPPF 2023 test of soundness, as set out in Riverdale's Matter 1 Statement, a transitional plan that failed to meet the 80% threshold could not be regarded as "*effective*", and would therefore be unsound, since it would be bound to be reviewed and replaced in short order.

⁸ As demonstrated in Riverdale's Matter 1 Statement (see Tables 1-3), if the DP included a uniform, rather than stepped, trajectory, there would not be a five-year supply on adoption. This is a clear indicator that additional allocations are required, and it directly informs the arguments at section (g) below regarding the maintenance of a rolling five-year supply.

be required to demonstrate that it can actually handle the consequences of the step-up, and it can only do that by finding additional allocations.

(g): The ability to maintain a rolling five-year housing land supply

Drawing together the analysis at sections (a) to (f) above, the DP does not demonstrate the ability to maintain a rolling five-year housing land supply throughout the plan period. The predicted dip to 4.77 years by 2034/35 demonstrates that additional allocations are required.

Even if the Inspector is not minded to increase the DP's housing requirement, they should instruct the Council to increase the number of allocations in the DP so as to give rise to more certainty that the objective in national policy of a continuous supply of housing land enough to provide five years' worth against the adopted requirement, plus a buffer, can be maintained throughout the plan period.

For the reasons set out in Appendix B, Riverdale submits that identifying broad locations would not represent an adequate response to the supply concerns identified above. Further, the restrictive approach in policy DPH2 is not sufficiently flexible to respond to supply shortfalls, as further explained in Appendix C.

Conclusion

For the reasons set out above, Riverdale respectfully submits that the DP's approach to housing supply and headroom is currently unsound. It has not demonstrated that enough housing land has been allocated to ensure that a five-year housing land supply will be maintained throughout the plan period.

The key indicators of this unsoundness are as follows:

- The proposed headroom of 567 dwellings remains relatively small (just 2.7% of supply), which is what the Inspector indicated needed to be avoided.
- The rolling five-year supply trajectory shows a potential dip to 4.77 years by Year 10.
- Whichever trajectory approach is adopted (stepped or uniform), there is a five-year housing land supply shortfall either at the step-up point or on adoption.
- The Plan is heavily reliant on three strategic sites delivering 73% of the allocated yield, introducing significant delivery risk.

The Inspector should therefore instruct the Council to identify additional allocations to ensure that the DP can demonstrate a robust and rolling five-year housing land supply



throughout the plan period. In identifying additional allocations, the Inspector may wish to have regard to the land parcels on the southern boundary of DPSC3, which the Council itself identified at Regulation 18 stage as warranting investigation for improved connectivity and master planning, but which were subsequently excluded without the contemplated investigation being undertaken.

If the Council is permitted to rely on a stepped trajectory to demonstrate a five-year supply on adoption, this should be on the basis that additional allocations are identified to ensure the DP can withstand the step-up point. The identification of specific developable sites, rather than broad locations for growth, would better respond to the Inspector's concerns and provide greater certainty of delivery.

Appendix A – Deficiencies in Approach to Headroom

First, the Council assumes that 100% of existing commitments and draft allocations that are subject to planning consent will be delivered in the plan period, such that no contingency or headroom allowance is proposed for such sites. This assumption is unduly optimistic given that the Inspector's Initial Letter expressly recognises that "*some allocated or committed sites do not come forward at the time or rate anticipated*" (IDJB-01, Annex 3). This statement applies to *all* sites, including those with planning consent, and provides clear support for the proposition that even consented sites warrant a contingency allowance. There is no basis in the Inspector's letter for treating consented sites as 100% certain to deliver.

It is well-known that many sites with consent fail to deliver for a multitude of reasons, including land assembly difficulties, land ownership disputes, restrictive covenants, financing and holding issues, viability, highways works, inability to discharge conditions, and disputes at reserved matters stage. The whole purpose of the headroom allowance is to provide a contingency against these real risks. Even consented sites should be subject to a headroom or contingency discount, even if it is modest (for example, 5% for outline consents and 2.5% for full consents).

Second, the 1,032 dwellings characterised as "*existing commitments*" not yet subject to a planning application, is indicative of a moderate to acute delivery risk considering the age of the development plan (including the Site Allocations DPD dating from 2022). A 20% non-implementation rate should credibly be applied to these sites (resulting in an additional 207 additional units of headroom) rather than the 5% proposed by the Council. In this context, the Inspector has stated that one of the purposes of adequate headroom is to "*enable the Council to retain full control over housing development during the life of the plan*" (IDJB-01, Annex 3). A 5% contingency for sites that have not progressed to application since 2022, or prior, does not provide adequate protection against delivery failure, nor does it enable the Council to maintain control in the manner the Inspector envisages.

Third, the 5% figure for unconsented draft DP allocated sites does not appear to be supported by specific evidence. In an area such as Mid Sussex with high land values and historically constrained supply, if a site obtained a draft allocation at Regulation 18 or Regulation 19 stage, the relevant developer would typically be motivated to submit an



application promptly. The fact that there remain 2,798 units which have not yet been subject to a planning application since the DP's Regulation 18 stage in November 2022 is indicative of a delivery risk that has in fact materialised in relation to these units, and a higher than 5% contingency should accordingly be applied. Riverdale consider that a 10% contingency would be more appropriate, which would double the headroom from 140 to 280 units in respect of this category of site.

Fourth, the Council's approach to DPSC2 and DPSC3 is currently unsound. The Council suggests that the headroom allowance should be based on assuming that the last year's delivery of those large-scale strategic sites will be delayed by one year, meaning 375 of the units will not be delivered in the plan period. Riverdale agree that this is a reasonable assumption. But because it is a reasonable assumption, it should be made regardless of, and wholly independently of, a headroom allowance. In other words, since it is reasonable to assume that 375 units from DPSC2 and DPSC3 will not come forward in the DP plan period, those units should simply be removed from the trajectory. The headroom allowance should then be applied to the balance of units remaining within the plan period to reflect an additional risk that those units will not be delivered.

In order to achieve soundness, it is necessary to discount the 375 units and apply a 7.5% contingency to the remaining units, meaning the total additional units within the plan period that the Council needs to find by way of additional allocations would be approximately 643 units (375 units plus a 7.5% contingency applied to the remaining 3,575 units (approximately 268 units)).

Appendix B - Detailed Concerns on Broad Locations

MS-TP2 paragraph 3.25 suggests that should the Inspector consider that greater provision needs to be made for headroom in the supply, "*the Council is willing to explore options to do this including identifying broad locations for development with delivery later in the plan period*".

Riverdale considers that this approach would not represent an effective means of achieving soundness, for the following reasons, which elaborate on those outlined above.

First, paragraph 69(b) of the NPPF 2023 refers to planning policies needing to identify a supply of "*specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period*". For years 6-10 and years 11-15 where possible, the NPPF expects local planning authorities to identify either specific developable sites or broad locations for growth. The Council has referred only to broad locations for growth but does not appear to have considered whether it would be more appropriate to identify specific developable sites in the circumstances.

Second, the circumstances pertaining to the DP naturally indicate that it would be more effective and appropriate for it to identify specific developable sites as opposed to mere broad locations for growth. The identification of specific developable sites gives much more certainty to developers and that in turn makes it much more likely that those sites will actually yield completions during the plan period. That is particularly important here given that the large-scale strategic sites are planned to deliver later in the plan period. What is needed in this plan is not broad locations for growth in the later part of the plan period, but specific sites that can deliver early in the plan period as a counter to the fact that the DP is so heavily reliant on large-scale strategic sites.

Third, on a purely practical level, if the Council is effectively volunteering to go away and explore options to identify broad locations for development, it would be just as much work to do that, reviewing the SHELAA and doing a focussed consultation on any modifications relating to a broad locations for growth policy, as it would be to bring forward additional allocations. Yet the latter exercise would deliver greater certainty and soundness.

Fourth, the direction of travel in national planning policy, as evidenced by the introduction in NPPF 2024 of Spatial Development Strategies and the Government's wider planning



reforms, indicates that broad locations for growth are increasingly intended to be identified at a strategic, cross-boundary level rather than in individual Local Plans. Future-proofing the DP therefore militates strongly in favour of identifying specific, deliverable sites rather than broad locations which may, in any event, be superseded by emerging strategic planning arrangements.

Appendix C – Supply Restrictions Linked to DPH2 Rural Housing

The foregoing analysis in the Matter 2 Statement has demonstrated that the DP faces significant challenges in maintaining a rolling five-year housing land supply throughout the plan period. The proposed headroom of 567 dwellings is inadequate; the supply trajectory shows a potential dip to 4.77 years by Year 10; and the Plan's heavy reliance on three strategic sites introduces considerable delivery risk. These supply-side vulnerabilities, which the Inspector's Matter 2 questions are specifically designed to probe, do not exist in isolation. They have direct implications for how the DP's development management policies will operate in practice, and, critically, whether those policies are consistent with national policy, and whether they will be future proof in the sense of enabling development management during the plan period to be carried out in accordance with an "up to date" development plan.

It is in this context that Policy DPH2 assumes particular importance. If, as Riverdale has demonstrated, the Plan cannot reliably maintain a five-year housing land supply, the provisions of paragraph 11(d) of the NPPF 2023 will be engaged, and the tilted balance in favour of sustainable development will apply. Policy DPH2, as currently drafted, does not acknowledge, or accommodate this eventuality. The policy's restrictive approach to development outside built-up areas therefore stands in tension with the very national policy framework against which the DP's soundness must be assessed.

Accordingly, the concerns raised above regarding headroom, supply trajectory, and the inadequacy of broad locations for growth are not merely relevant to the quantum of housing allocations; they are equally relevant to whether the DP's policies are sufficiently flexible to respond to supply shortfalls. A policy that purports to restrict development outside allocations, without any recognition of the paragraph 11(d) presumption, cannot be sound in circumstances where the Plan itself acknowledges the risk of supply failure.

Policy DPH2 as currently drafted articulates a highly restrictive approach to development outside the built-up areas. In particular, it envisages that even where a site is adjacent to an "*existing built-up area*" and meets identified local housing needs, if the proposal comprises 10 or more dwellings, it would be contrary to DPH2 unless it forms part of an allocation.

Riverdale submits that this policy as drafted is unsound and inconsistent with national policy in the sense that it does not reflect paragraph 11(d) of the NPPF 2023, which would



introduce the 'tilted balance' in the event that there was a lack of a five-year housing land supply. In order to be consistent with paragraph 11(d), Policy DPH2 must be amended to reflect the fact that it cannot be applied strictly in the event of a five-year housing land supply shortfall.