



Mid Sussex District Plan 2021 -2040
Examination

**Matter 6: The selection of sites for allocation in
the plan
Hearing Statement**

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MATTER 6: HOUSING SUPPLY AND HEADROOM

The rationality and effectiveness of the site selection process

A) The soundness of the process which led to the inclusion of site allocations in the plan and the exclusion of other sites, including the consideration of mitigation measures to address constraints

A.1.1 A total of 270 housing sites were submitted to the SHELAA which were assessed through the Site Selection Process. It does not appear that a sound approach has been taken by Mid Sussex District Council (MSDC) in their site assessments, which has resulted in the exclusion of sites. Out of the 272 housing sites, only 42 sites were taken forward for Site Assessment in the Sustainability Assessment (SA) (November 2023).

A.1.2 Gladman contend that potentially a significant number of sites have been discounted through the Site Selection Process at the 2(b) and 2(c) stages without robust justification and in some instances incorrectly. This is clear from the assessment of Land at Walstead Grange, Lindfield (site ref: 983), which now benefits from planning permission despite being ruled out an early stage of the plan making process. This example is pertinent to the issue and demonstrates that each site has not been considered, and subject to, a robust assessment. The Site Selection Conclusion Paper (Appendix 4) provides the following commentary with regards to site 983:

'Great weight is given to the conservation and enhancement of the historic environment. Development of the site would cause less than substantial harm: High impact to grade II listed buildings. It is not considered that the benefits of development would outweigh harm or loss to the asset.

The site is therefore considered unsuitable for development and has been excluded from further assessment'.

A.1.3 An outline application for up to 90 dwellings was submitted by Gladman in 2024 (ref: DM/24/0446) and subsequently an appeal against non-determination was submitted

by the applicant¹. In the lead up to the inquiry, a subsequent Statement of Common Ground was agreed between the appellant and MSDC that *'in relation to heritage matters, it is agreed that, applying the test in NPPF paragraph 215 (for designated assets) the public benefits of the proposed development outweigh the harm to heritage assets.'*²

A.1.4 It is acknowledged that NPPF paragraph 11(d)(ii) and the 'tilted balance' was engaged at the time of this decision, however, when considered in the context of the substantial unmet need from Crawley alone (7,505 dwellings), it raises doubt about how robust the weighting of the public benefits outweighing identified harms is, especially given the agreed position on this site with MSDC at the appeal. It also raises questions over how many more sites from the initial Site Selection Process should have been taken forward for testing through the SA.

A.1.5 Given the issues with the soundness of the process which led to the site selection, and the failure for the SA to test all suitable sites, as evidenced by the decision for the Land at Walstead Grange, Lindfield (site ref: 983) to be excluded from the process, despite the benefits outweighing the harms, there is no way to remedy the test of soundness failure through the examination. Paragraph 35(a) of the December 2023 NPPF requires local plans to be:

*'**Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development'*

A.1.6 Whilst the Duty to Cooperate is no longer a legal requirement, the acknowledgement of the significant unmet need in the HMA and Mid Sussex not having robustly tested providing a larger proportion of this unmet need through the appropriate weighting

¹ Appeal ref: APP/D3830/W/24/3350075

² Supplementary Statement of Common Ground – 18/12/2024 (APP//D3830/W/24/3350075)

in the planning balance in the Site Selection Process and SA is a material consideration towards the soundness of the District Plan Review.

- A.1.7 Site assessment should be repeated with the correct balance to public benefits applied to sites previously discounted in terms of heritage harm, it is only then can further SA work be undertaken to understand what proportion of Crawleys unmet need that Mid Sussex can realistically accommodate.