



**LEWIS & CO**

MID SUSSEX DISTRICT PLAN  
2021 - 2039

MATTER 6: THE SELECTION OF SITES FOR  
ALLOCATION IN THE PLAN

ON BEHALF OF VISTRY GROUP

SITE: LAND AT MALTHOUSE LANE, BURGESS HILL

SITE REF: 1105/710

RESPONDENT REF: 1191618/1191628



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## 1.0 INTRODUCTION AND SUMMARY

- 1.1 This Matter Statement has been prepared on behalf of Vistry Group who are promoting Land at Malthouse Lane, Burgess Hill (SHELAA ID: 1105) for a major residential-led development comprised of a new neighbourhood of 750 homes. The eastern parcel of the site (Maltings Grange) is also being promoted in isolation for a development of 360 new homes (SHELAA ID: 710) and is located within the Brighton and East Sussex Housing Market Area (HMA), Northern West Sussex HMA and the Coastal Urban Area Functional Economic Market Area (FEMA).
- 1.2 The site was identified as a sustainable option for allocation but has not been included as an allocation within the Plan, despite a request from Brighton and Hove City Council (at Regulation 18 stage) for the site to be allocated to assist with their unmet housing needs – see paragraph 6.15 of our Regulation 19 representation.
- 1.3 These Hearing Matter Statements submitted on behalf of Vistry Group individually address select questions under each Matter to be considered at Hearings beginning on 24<sup>th</sup> February 2026. However, these matters and others considered pertinent to the soundness of the Plan are addressed in greater detail within our Regulation 19 responses (references 1191618 and 1191628).
- 1.4 It is Vistry Group’s position that:
- The Plan has not been *justified* as the Council’s evidence on site selection is inconsistent and the proposed allocations do not reflect the most sustainable strategy for growth;
  - The Plan has not been *positively prepared* and is not *effective*, as the sites selected do not align with the Council’s spatial strategy or principles and sites that would better align with the Council’s spatial strategy and evidence have been overlooked;
  - The Plan is not *consistent with national policy* as the Plan fails to guide development towards the most sustainable options for allocation and fails to deliver a reliable supply of homes as required under paragraphs 11, 22, 35 and 61 of the Framework (including in terms of meeting the unmet needs



of neighbours) due to an overreliance on windfall delivery and large-scale freestanding allocations.

- 1.5 We consider these to be significant shortcomings that render the Plan unsound in its current form.
  
- 1.6 It is Vistry Group's view that the Plan can be made sound through the reconsideration of the overall spatial strategy and housing requirement, and re-assessment of all Stage 3 sites that could assist in meeting the unmet needs of neighbouring authorities against the criteria at Paragraph 11 (b) of the NPPF. Main modifications to allocate additional housing sites at the district's most sustainable settlements could remedy these identified issues.



## **MATTER 6: THE SELECTION OF SITES FOR ALLOCATION IN THE PLAN**

- 2.1. The Inspector's Matters and Issues document (IDJB-05) raises the following questions in relation to Matter 6:

*"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*

*b) The rationale behind the selection of the strategic and larger site allocations"*

- 2.2. These matters are addressed below. Where relevant, references to the National Planning Policy Framework (NPPF) relate to those within the December 2023 version unless otherwise stated.

### **ISSUE 1: 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**

- 2.3. We have raised concerns with the Council's site selection process at all stages of the plan-making process.
- 2.4. The Land at Malthouse Lane site was identified as a sustainable option for allocation at all stages of the plan-making process but rejected for allocation in the initial draft as the promotion of the site was *"still at a very early stage"* in the Council's report to their Scrutiny Committee for Planning, Economic Growth and Net Zero on 18<sup>th</sup> October 2022.
- 2.5. This conclusion was reached despite SHELAA site 710 being submitted for consideration during the Council's Site Allocations DPD consultation in September 2020 and earlier being identified as part of a broad location for



assessment (SHELAA site 740) during the District Plan (2018) process alongside DPSC1. The site was also subject to pre-application advice for large-scale residential development in August 2021.

2.6. Vistry Group submitted a detailed Vision Document supported by a full suite of technical evidence to the Council in support of the site in early November 2022, including technical reports relating to:

- Arboriculture
- Archaeology
- Built Heritage
- Ecology
- Flood risk and drainage
- Ground conditions
- Landscape
- Transport and Active Travel
- Utilities

2.7. Now that the development proposals for the Land at Malthouse Lane site are significantly more progressed, there are no reasons for omitting the site from the draft District Plan 2021 – 2039. This has been the case since the Regulation 18 consultation, when a full suite of details and technical reports were submitted to the District Council.

2.8. Despite the ongoing promotion of the site and the detailed evidence submitted in support of its allocation during all stages of the plan-making and consultation process, the site has not been included within the Plan as an allocation despite its location at a Category 1 settlement (the town of Burgess Hill), availability for early delivery and the site selection process concluding that the site remains a sustainable option for allocation.

2.9. The only stated reason for the exclusion of the Land at Malthouse Lane site (reference 1105) within Appendix 5 of the Site Selection Paper (document SSP3) is the *“lack of sufficient evidence this site is deliverable in combination with DPSC1”*. This conclusion is reached despite the allocation of a larger quantum of development at Sayers Common (2,516 homes across five sites) by five separate developers at a Category 3 settlement.



- 2.10. The evidence base suggests concerns about the capacity of the A23/A2300 junction serving Burgess Hill as a whole. The Land at Malthouse Lane site is the only stage three site within Burgess Hill rejected on this basis, with no reasoning given for this clear inconsistency. Furthermore, the latest versions of the Council's Transport Study show the impacts of future development on this junction have been downgraded (see document T9 and other earlier iterations) and mitigation measures to improve junction capacity are already identified and costed by the Council in their Infrastructure Delivery Plan (document reference IV6).
- 2.11. Detailed transport evidence has been submitted to Mid Sussex District Council by Vistry Group to evidence that the site will not have a material impact on the A23/A2300 junction. A Transport Technical Note prepared by Pegasus Group (submitted as Appendix B to Vistry Group's Regulation 18 representations) showed:
- "Cumulatively, Land at Malthouse Lane and Site DPSC1 could be associated with around two additional vehicles per minute on average in the busiest peak hour. This is not considered to be a material increase in real terms. It is therefore concluded that in combination, site DPSC1 and Land at Malthouse Lane would not materially affect the operation of the A23 junction with the A2300."*
- 2.12. The evidence showed that of the two sites, DPSC1 would have a materially greater impact on the A23/A2300 junction than Land at Malthouse Lane but - in combination - the impact of both sites would still not be a material increase. The site has subsequently been subject to pre-application advice from the local highways authority who identified no issues with the principle of development, with percentage traffic increases considered to be low and the concept design for access into the site agreed in principle.
- 2.13. This is further confirmed by the Council's Merge Diverge Assessment Report (T11) which concludes in relation to the A23/A2300 junction that the District Plan Scenario 6M2 requires the same layout upgrades at the 2039 reference case and therefore these mitigation requirements were not attributable to District Plan 2021 - 2039 traffic.



2.14. In comparison, the same report also concludes that the A23-B2118 junction serving the DPSC3 (Land south of Reeds Lane, Sayers Common) development would require upgrades as a direct result of the District Plan allocations in this area:

*“there is a need to investigate the feasibility for a layout upgrade at this location as a result of traffic growth associated with the District Plan.”*

2.15. However, given the constraints of the highway boundary in this location the recommended upgrades cannot be delivered.

2.16. Within this context it is entirely unjustifiable that the Land at Malthouse Lane site has been excluded due to speculative concerns about an impact on the A23/A2300 junction that have not been verified by the Council’s own evidence, when alternative sites have been allocated for a significantly greater quantum of development where junction capacity issues have been clearly identified and attributed to those sites.

2.17. On this basis, there are no justifiable grounds for the Land at Malthouse Lane site to have been excluded from allocation compared to other comparable sites that form allocations within the Plan. Even the inconsistent reasoning given by the Council within their Site Selection Paper evidence can no longer form reasonable grounds to omit the site given its sustainable location at a Category One settlement.

2.18. Furthermore, the Council received specific requests from neighbouring authorities to investigate how constraints to the delivery of the Land at Malthouse Lane site could be overcome – notably Brighton and Hove City Council who highlighted the site by name in their Regulation 18 representations:



The Site Selection Paper indicates that other potential locations for large scale development were assessed but rejected for reasons mainly related to current uncertainty around deliverability and potential traffic/transport impacts. These include sites at Ansty; Malthouse Lane, Burgess Hill; and a proposed new settlement west of the A23 extending into Horsham District (promoted as Mayfield Market Town).

All of these sites lie on the edge of the Coastal Sussex HMA and FEMA and could potentially help reduce the identified housing and employment shortfalls in Brighton & Hove. The Site Selection Paper appears to indicate that there may be scope to overcome the constraints and deliverability issues for at least some of these sites (this particularly applies to the Malthouse Lane site where it is stated that it could be brought forward in conjunction with the proposed West of Burgess Hill allocation). Following on from our comments above, BHCC would strongly urge the District Council to take a positive approach to supporting these developments if it can be demonstrated that the identified constraints to delivery can be overcome.

*Regulation 18 Comment ID: 13256372/1847/7 (Brighton and Hove City Council)*

- 2.19. Similar comments were made by Crawley Borough Council in their Regulation 19 representations.
- 2.20. Whilst we can only address the specifics relating to Land at Malthouse Lane, Appendix 5 of the Council's Site Selection Conclusions Paper shows that new sites or new evidence were submitted in relation to a total of 55 sites across the District between the production of the Regulation 18 draft and Regulation 19 draft. Despite this, the Council made no changes to the list of sites proposed for allocation.
- 2.21. This points to a wider failure to objectively consider the public consultation responses and submissions by site promoters and stakeholders in preparing the Regulation 19 plan. The Council have failed to ensure that the Plan iteratively responds to new evidence and addresses the needs of Mid Sussex (and its neighbours) in the most sustainable way possible. The evidence points to attempts to resist the allocation of further sites by the local planning authority for inconsistent reasons rather than *positively preparing* a Plan that best meets the needs of Mid Sussex and its neighbours in an *effective* way that is *consistent with national policy*.
- 2.22. These failures have forced the Council into an overreliance on large-scale freestanding development sites, unreliable assumptions around windfall delivery



that are not supported by their evidence base and a failure to strategically plan for the unmet needs of neighbouring authorities. These result in Plan that is not sound in its current form as it is not *positively prepared, justified, effective or consistent with national policy*.

## **ISSUE 2: THE RATIONALE BEHIND THE SELECTION OF THE STRATEGIC AND LARGER SITE ALLOCATIONS**

2.23. The sites selected do not comfortably align with the spatial strategy set out within the submission District Plan document. The 'Updated District Plan Strategy' identifies four key principles – presented as though in a cascading order of priority (although this is not explicitly stated):

1. Protection of the High Weald AONB/National Landscape
2. Making effective use of land
3. Growth at existing sustainable settlements where it continues to be sustainable to do so
4. Opportunities for extensions, to improve sustainability of existing settlements

2.24. The majority of allocated within the sites readily align with this strategy, however notably the development allocated under DPSC2 is promoted as 'Crabbet Park Village', a freestanding new settlement. The 'A Vision for Crabbet Park Village' (October 2022) document within the Council's site allocations section of the Evidence Library describes the allocation as "*conveniently located close to the busy town of Crawley, but entirely separate from it*".

2.25. On this basis, the DPSC2 allocation does not provide growth at an existing sustainable settlement (principle 3) or form an opportunity for extension to improve the sustainability of an existing settlement (principle 4). The Council's Sustainability Appraisal (document reference DP7) assessed five spatial options for growth<sup>1</sup>, as set out below:

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<sup>1</sup> Paragraph A.2.3 of document DP7 – Sustainability Appraisal (Regulation 19)



Table A-3: Alternative spatial options for growth considered.

Option	Description of Spatial Option
Option 1	Maintain the existing spatial strategy set out in policies DP4 and DP6 of the Adopted District Plan, with proportionate growth across the hierarchy of settlements, with main settlements accommodating greater levels of growth.
Option 2	Growth to support the sustainability potential of existing smaller settlements, with limited growth in protected landscapes. This spatial Option seeks to support growth in settlements with existing facilities, such as retail opportunities, schools, and health care. While recognising that urban extensions of a strategic size bring opportunities to support the development of new facilities.
Option 3	Creating a new sustainable settlement with associated facilities.
Option 4	Focus development in the three towns utilising existing facilities and transport links.
Option 5	Prioritise development on brownfield land.

- 2.26. As can be seen above, Option 3 allowed for the consideration of a new sustainable settlement as part of the Council's spatial strategy. The option was outperformed by options 4 (focus development in the three towns) and 5 (prioritise brownfield development) when assessed against the Council's sustainability objectives.
- 2.27. However, despite these findings the Council have allocated DPSC2 as a new village over sites that would have fallen into option 4 and have been found to be sustainable options for allocation through the site selection process - including Land at Malthouse Lane, Burgess Hill.
- 2.28. There are a total of 102 sites rejected at Stage 2(a) of the site selection process on the basis of their location being 'disconnected' from the built-up area boundary of the nearest settlement. Had Crabbet Park been assessed objectively against these same measures it should also have been rejected at this stage.
- 2.29. As a result, the Council's rationale for allocating this site over others that would accommodate growth at the District's most sustainable settlements (Category 1 towns of Burgess Hill, Haywards Heath and East Grinstead) is not legible or transparent from an objective reading of the submission District Plan or supporting documents. We consider this a failing that does not meet the tests of soundness as the Plan is not *justified or consistent with national policy*.



- 2.30. Given the site's separation from existing settlements within the district and failure to align with the Council's stated spatial strategy and key principles, the allocation of site DPSC2 can only be justified by the evidence base as a contribution towards the unmet needs of Crawley borough, the immediately adjoining authority. This is justified in the context of the At Crawley Study (document reference O12), a study jointly commissioned by Crawley Borough Council, Horsham District Council and Mid Sussex District Council which sought to identify long-term sites for "*future strategic development at Crawley*". The site has therefore been earmarked for this purpose since 2009, as well as its earlier iteration in 2005.
- 2.31. The Crabbet Park site, which the District Council do not expect to deliver new homes until 2031. This delivery timeframe aligns well with Crawley boroughs unmet need. The housing trajectory submitted during the Crawley Local Plan examination showed delivery averaging 526 dwellings per annum in the eight years to 2031/32 before falling to 118 dwellings in 2032/33 and 100 dwellings per annum for all subsequent years.
- 2.32. On this basis, given the long-term identification of DPSC2 as a site to accommodate the future growth of Crawley and its incompatibility with the wider spatial strategy for Mid Sussex district, the only justifiable reason for the site's inclusion within the Plan is to address the unmet need of Crawley borough.
- 2.33. We recognise that the Inspector has communicated to the Council (in Annex 3 of IDJB-01) that "*it is not necessary to identify specific sites in the plan for the accommodation of unmet need from specific places*". However, Crabbet Park village has long been envisioned as a location for the future growth of Crawley in evidence studies jointly commissioned by Mid Sussex District Council and Crawley Borough Council and future residents of the development would rely on Crawley as a settlement for a range of wider services. In terms of alignment with the wider strategy for growth within Mid Sussex district and in the interests of ensuring that there is transparent justification for the allocation of a new settlement in this location, we consider that DPSC2 should be allocated expressly for this purpose.



- 2.34. In doing so, the District Plan would address a greater quantum of unmet need from Crawley borough in accordance with paragraph 11 and 35 of the NPPF, allowing the Plan to be more *positively prepared, justified, effective and consistent with national policy*.
- 2.35. The contribution of the 2,000 homes proposed at DPSC2 would increase the proportion of housing attributed to Crawley borough's unmet needs by a further 307 homes. However, our concerns around windfall delivery assumptions and double-counting set out within our Matter 2 Statement also indicate that additional allocations will be needed to directly address the local housing needs of Mid Sussex and ensure a reliable supply of housing throughout the Plan period.
- 2.36. The allocations within the Plan have not evolved over the course of the public consultation periods or since submission – except for the removal of sites that are no longer available for development. Our own view is that the sites selected as allocations within the Plan no longer form the only deliverable/sustainable sites identified through the SHELAA and site selection process and the Council should accordingly reconsider the overall distribution of development in line with the most sustainable spatial strategy options in their own Sustainability Appraisal (option 1 (existing District Plan strategy), option 4 (prioritising development in the three category one settlements/towns) and option 5 (prioritising development on brownfield land)).
- 2.37. Planning practice guidance<sup>2</sup> identifies the role of sustainability appraisal in promoting sustainable development *“by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives”*. In this role, the Council's sustainability appraisal clearly identifies the benefits of directing development to the district's most sustainable settlements (the three towns of Burgess Hill, East Grinstead and Haywards Heath) and brownfield sites. Paragraph 8 and 9 of the NPPF requires that these three sustainability objectives should be delivered through the preparation and implementation of Local Plans.

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<sup>2</sup> Reference ID: 11-001-20190722



2.38. For these reasons the Plan has not been *positively prepared* and is not *justified* or *effective* in its current form as the spatial strategy and strategic principles for the District are not reflected in the sites chosen for allocation. The Plan can be made sound by ensuring that the most sustainable locations for growth are the focal point for development and large-scale site allocations that are inconsistent with the District Plan's spatial strategy are reconsidered and/or allocated subject to their ability to meet the unmet needs of neighbouring authorities.

*End*