MID SUSSEX DISTRICT PLAN 2021–2039: EXAMINATION IN PUBLIC

Hearing Statement

Matter 7 – Sites Added by the Draft Main Modifications

Housing Allocations (Burgess Hill / Rural Parishes)

MM60 - Land East and West of Malthouse Lane, Hurstpierpoint (Burgess Hill)

Submitted By: Diane J Aldridge MRTPI – DJA Planning

October 2026

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1.0 Introduction & Core Position

1.1 This Hearing Statement is submitted on behalf of Mr and Mrs Bale of Locks Manor, Malthouse Lane, Hurstpierpoint and members of the Malthouse Lane Action Group (MLAG), who object to Main Modification MM60. This proposes the allocation of approximately 750 dwellings on greenfield land to the east and west of and linked by Malthouse Lane, Hurstpierpoint.

1.2 While categorised under Burgess Hill, the site is located in the Parish of Hurstpierpoint and actively impacts the rural parishes of Hurstpierpoint, Albourne, and Hassocks. It is our position that MM60 is unsound because it fails the tests of being justified, effective and consistent with national policy as defined by the NPPF September 2023, under which this Plan is being examined.

1.3 Detailed representations have been submitted against MM60 on behalf of several local groups and individuals including the Malthouse Lane Action Group (MLAG) and Danworth Lane Action Group (DLAG). Mr and Mrs Bale fully support and endorse those representations and the Hearing Statements prepared for the session on 3rd November. I will not repeat the detailed points made in those statements but focus on the key conclusions drawn by others under the headings set out in the Inspector's Agenda for the Hearing Session. I will then focus on the specific matter of fragmented land assembly and legal constraints that impact soundness.

a. Movement:

1.4 There are severe highway deficits. Malthouse Lane and its continuous corridor, College Lane, are highly constrained. College Lane is a narrow, single-track conservation area lane lacking continuous footways or passing places. Forcing an estimated 750 households to use this network introduces severe highway safety risks for all users, particularly near Hurstpierpoint College where pedestrian crossflow is high.

1.5 MM60 fails to support sustainable transport goals outlined in the NPPF. The rural nature of the lanes ensures that the development will result in an unmitigated reliance on private car travel.

1.6 The site must not be assessed in isolation. Alongside adjacent modifications MM72, MM74, MM76 and DPCS1, it places unsustainable pressure on Hurstpierpoint's medical surgeries, local schools, and commuter parking capacity at Hassocks Railway Station, which is already at peak threshold.

b. Landscape, countryside and heritage:

1.7 Regarding settlement coalescence, the proposed MM60 allocation alone, and in combination with MM72, MM74, MM76 and DPSC1, fails to respect the long standing strategic policy concerning settlement separation. Developing 750 homes in this

location significantly weakens the strategic gap and distinction between the urban area of Burgess Hill and the historic village identity of Hurstpierpoint.

1.8 MM60 alone and in combination with MM72, MM74, MM76 and DPSC1 breaks open and destroys an established wildlife corridor. It directly interrupts the recreational and ecological value of the Burgess Hill Green Circle, threatening local biodiversity (including bats, deer, and local bird species) ancient fields and hedgerows and the character and appearance of rural lanes.

1.9 The development, alone and in combination, degrades the setting on the periphery of the South Downs National Park and contradicts national requirements for environmental and nature recovery.

c. Infrastructure, delivery and capacity:

1.10 MM60 alone and in combination with MM72, MM74, MM76 and DPCS1 will cause water and utilities stress. The area suffers from well documented regional water infrastructure deficits, marked by recent utility outages and a heavy reliance on water tankers. The allocation is ineffective as it relies on South East Water capacity that cannot demonstrably sustain 750 new homes without compromising existing resident supplies.

1.11 Regarding flooding and drainage, Malthouse Lane routinely suffers from localised flooding and seasonal waterlogging near local streams. The Council's evidence library and high level technical reports on behalf of the site promoter do not demonstrate that a development of this scale can resolve surface water runoff risks without compounding downstream flooding.

2.0 Fragmented Land Assembly & Legal Constraints:

2.1 For an allocation to be effective, the land has to be deliverable within the Local Plan timeline with all critical infrastructure in place. Aside from the specific constraints summarised above, for a site to be deliverable, the developer or land promoter must first control the land or have a clear path to acquiring it. Land cannot be deemed "available" or "deliverable" if it relies on hostile land assembly or unwilling landowners.

2.2 The failed promotion of the proposed Mayfield Market Town (also referred to as Mayfields) is a local example particularly germane to the assessment of the deliverability of MM60. This was a new "garden city" consisting of 7,000 to 10,000 homes, primary school, an academy and community hubs development promoted across some 1,200 acres of greenfield land in the Sussex Weald and absorbing the ancient towns of Twineham and Wineham and bordering Albourne, Sayers Common, Henfield and Shermanbury.

2.3 Actively promoted through earlier versions of the Horsham and Mid Sussex Local Plan there were fundamental issues with the deliverability of the development regarding infrastructure constraints, lack of connectivity, car dependency, landscaping impact, ecology and biodiversity impacts as well as issues of winter waterlogging of the land and flood risk.

2.4 However, and crucial to the rejection of the proposal, was the campaign by LAMBS (Locals Against Mayfields Building Sprawl) which successfully exposed that the promoters of Mayfields did not actually own or hold legal options on all the land required for their town. Prominent local farmers and landowners resolutely stood together—turning down offers as high as £275 million—to deny the developer the contiguous land needed for the project. Whilst the allocation would have significantly contributed to meeting the needs of both Horsham and Mid Sussex, inclusion of land that could not be demonstrated as being "available" and "deliverable" would have rendered both Plans unsound. Neither Horsham or Mid Sussex Councils supported the proposal, and it was rejected.

2.5 Whilst, procedurally, the MM60 land is being progressed through this new Mid Sussex Local Plan, no outline, reserved matters or detailed planning application has been submitted for the development of this land. No EIA Scoping Report or Scoping Opinion Request have been made and there is no Planning Performance Agreement (PPA) in place with the Council to guide firm progress towards submitting a formal planning application. Procedural progress therefore relies entirely on a positive allocation in the Main Modifications stage of the current Local Plan Review.

2.6 As set out in the representations objecting to MM60, Mr and Mrs Bale, as owners of Locks Manor, benefit from covenants that restrict the use of land known as Kents Farm to the west of their property. This restriction states the land can *only be used for agriculture or forestry*. This land is all of the western parcel of land in the MM60 allocation. The effect of this covenant on the deliverability of the land has not been mentioned by the promoters of the land. The statements to date have been that the land is "available". This is false.

2.7 Had the Council been aware of all the facts and the restrictions on the use of part of the land, this should then have been reflected in their initial assessment of the land through the SHLAA process. Thankfully, at that stage, the site was rejected but on grounds unrelated to legal constraints and deliverability. At all stages in the promotion of this land, the Council has had to rely on incorrect statements provided by the land promoters.

2.8 No evidence has been presented by the promoter of MM60 regarding secured option agreements or the existence or any firm plans to seek to lift the restrictive covenant that would allow delivery of the MM60 allocation either within the Plan period or beyond. To assist the Inspector in the assessment of this land, this restrictive covenant exists, is legally binding and is not available to facilitate the delivery of MM60.

2.9 Without 100% control by the promoter, a developer or a willing landowner, the allocation cannot be delivered. To allocate an undeliverable site will make the Local Plan unsound. There is no Statement of Common Ground between the Council and the land promoter confirming clear delivery intentions. There are no build-out trajectories or any concrete, realistic calculations showing anticipated site start dates, lead-in times, and annual build-out rates. There is therefore no "realistic prospect" or "clear evidence" that housing completions will actually begin within 5 years.

2.10 The land ownership of Locks Manor also includes land either side of the narrow, single carriageway rural lane which connects the eastern parcel of MM60 to Malthouse Lane. The proposed use of this rural connecting lane as a critical connection and "active travel route" between the East and West parcels that comprise MM60 is therefore at risk due to existing private access rights and third-party landownership. As with the restrictive covenants, the promoters of this land have given no indication as to how they might address or resolve the impact of these rights and the impact of third party ownership on their ability to deliver key elements of their scheme.

2.11 In addition, a site allocation is unsound if the evidence base cannot prove that the required infrastructure will be delivered alongside the housing. There is an unquantified reliance upon infrastructure associated with adjoining development in MM74 and DPSC1 to deliver necessary infrastructure for MM60. The ability to deliver this is unknown, uncosted and with no clear timescale that is within the control of the promoter of MM60. This will impact how the development would function, whether the scale of development can actually be delivered and whether it would be viable.

3.0 Precedents:

3.1 As set out in the representation letter of 7th September (attached at **Appendix 1**), there are several key documented examples where absolute physical, legal, or ownership barriers making the site not deliverable or achievable have been enough for Inspectors to delete allocations to prevent an unsound, undeliverable Local Plan. In the case of *Uttlesford District Council Local Plan,* the Inspector recommended that the allocation of a 10,000 unit garden community was unsound because there was a lack of credible evidence regarding transport infrastructure funding making it an unsustainable, ineffective car-dependent allocation.

3.2 In the *Tandridge District Council Local Plan*, a large allocation was also struck out as a result of a lack of mitigation of severe traffic impacts rendering the housing allocation ineffective. No evidence has been provided by the promoter or the Council to suggest that will not be the same outcome for the allocation of MM60 alone and in combination with MM74 and DPSC1.

3.3 A series of Green Belt sites were deleted from the *Leeds Site Allocations Plan (SAP)* due to a lack of evidence as to their true availability and immediate deliverability within the plan period. *Welwyn Hatfield Local Plan* featured multiple instances where the Inspector explicitly rejected proposed site allocations due to complex

environmental constraints, land contamination concerns, and a severe lack of land owner consensus. The Inspector repeatedly ruled that the sites lacked robust evidence of deliverability within the plan period. MM60 lacks land owner consensus making key aspects of the allocation undeliverable and uncertain which in turn leads to an unsound Plan if the land is allocated.

3.4 There is a lack of proportionate evidence to justify this allocation. To be justified, a housing allocation must be the most appropriate strategy when considered against reasonable alternatives, backed by robust local data. As with the example of the joint strategic plan of the *North Essex Authorities (Braintree, Chelmsford, Colchester, Tendring)*, Inspectors rejected two out of three proposed "Garden Communities" because the Councils' financial models and build-out rates lacked realistic evidence. The long-term financial viability and deliverability of the sites had not been robustly justified against alternative strategies. The same criticism can be levelled at the Council's promotion of MM60 alone and in combination with MM74 and DPSC1.

4.0 Summary:

4.1 MM60 fails the tests of being justified, effective or consistent with national planning policy.

4.2 As set out in Annexe 2 of the Glossary to the NPPF 2023, "deliverable" requires a site that is:

Available now – this land fails as it is not free from legal, ownership, or operational constraints and there is no realistic prospect that any housing will be delivered within 5 years; and

Suitable location now – this land does not offer a sustainable location for development and conflicts with national policy.

4.3 The allocation of MM60 in whole or in part, alone or in combination with MM74 and DPSC1 would render the Mid Sussex Local Plan 2021 – 2039, unsound.

5.0 Proposed Remedy / Main Modifications Required:

5.1 To remedy this unsoundness, the Inspector is requested to:

Delete Main Modification MM60 in its entirety from the Schedule of Main Modifications.

6.0 Participation at Hearings:

I intend to speak on MM60 at the resumed hearings on 3rd November 2026.

DJA Planning
16/10/2026

APPENDIX 1: - Representations to the Main Modifications – 7th September 2026

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Submitted via email to: **policyconsultation@midsussex.gov.uk**

Formal Consultation Response - Mid Sussex District Plan 2021-2039: Main Modifications Consultation (August–September 2026)
Representation Reference: Main Modification MM60 - Site 1105 (and Site 710) — Land West and East of Malthouse Lane, Hurstpierpoint

To the Planning Policy Team and Inspector Jonathan Bore:

1. Introduction & Overview

I am writing to submit formal representations on behalf of Morgan Bale and Sacha Drabble, the freehold owners of Locks Manor, Malthouse Lane, Hurstpierpoint BN6 9JZ and objectors to the current consultation on the proposed allocation of site MM60/Site 1105. Site MM60 - Land West and East of Malthouse Lane, Burgess Hill - is a major housing allocation of 750 units included under the Main Modifications (MM) stage of the draft Mid Sussex District Plan Review (2021–2040).

The land comprises two separate parcels of agricultural land, connected by a narrow lane running from its western parcel to Malthouse Lane ("the connecting lane"), in the Parish of Hurstpierpoint and to the south west of Burgess Hill. The land is outside any defined settlement and beyond the Green Circle.

The two parcels are identified together as Site 1105. With a land area of 54 hectares, it is this combined site that is now promoted as MM60. However, the parcel to the east was originally promoted as a separate parcel through the SHELAA process. Site 710 has the address of Maltings Grange, Malthouse Lane with a site area of 0.9 hectares and a potential yield of 27 houses. It was shown as in agricultural use with "no known constraints". Assessed as suitable at Stage 1 it was progressed to Stage 2. This is a significantly lower potential yield than this parcel of land is now shown as delivering in the Vistry Group Vision Document (2026).

This shows this eastern parcel delivering the primary access to Jane Murray Way; over two thirds of the housing numbers (based on the illustrative plans); recreation space and the "multi-functional local neighbourhood centre with flexible retail, cultural and health facilities to support the community" (Source: Schedule of Main Modifications July 2026 – Site MM60). There is therefore a discrepancy between the original assessment of capacity for Site 710 and what the land is required to deliver combined with 1105/MM60. These are clearly matters that require further examination.

My clients are also part of the Malthouse Lane Action Group which has instructed Rural Planning Group to prepare objections to the MM60 allocation. A summary of those objections is that the inclusion of MM60 is not sound because material inconsistencies exist between the agreed methodology; the SSP8 site assessment; the Sustainability Appraisal; the in-combination testing; the promoter's technical evidence and the final policy wording. As set out in the report prepared by Rural Planning Group, those inconsistencies concern, in particular, flood risk, heritage, access, infrastructure, accessibility, coalescence and the relationship with the Land West of Burgess Hill major allocation DPSC1.

Separate objections have also been made to this proposed allocation by other members of the Malthouse Lane Action Group, including Hugh Rathbone of Malthouse Barn; Rob and Jane Butler-Biggs of Scotches Farm; Bob and Vivienne Hopkins of Roseacre; Jill Thomson of Lockswood; Tim and Ruth Dawson of Locks Farmhouse; Dave Huff of Locks Mead and Ben Thornton of The Paddocks. All have raised lived experience and issues with the local area, and the land where MM60 is proposed. This includes flooding of the land as well as the surrounding road system, with Malthouse Lane regularly flooded and impassable; traffic congestion and road safety (for pedestrians and horses using Malthouse Lane); wastewater infrastructure capacity and resilience; wildlife and ecological impact and settlement coalescence. The MM60 allocation also includes land that is part of The Paddocks – with no agreement or verification that this land is available. It is not.

As the Local Plan is at the Main Modifications stage, and has already undergone its primary Examination hearing, it will continue to be tested against the version of the National Planning Policy Framework under which the Plan was originally submitted. In this case it is the December 2023 NPPF that applies.

In the December 2023 NPPF, the then Government retained the original four tests of soundness meaning that Plans still had to be positively prepared; justified; effective and consistent with national policy. The critical policy concerning deliverability and plan-making is the retention of

the "effective" test (Para 35 (c)) - which requires a plan to be deliverable over its period. A Plan meets its “effective” test if it is:

"(c)…deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground."

As part of the effective test, the Local Planning Authority has to prove there is a “reasonable prospect” that the site allocations contained in the Plan are capable of being delivered within the Plan timescale. Therefore, if a site is proven as unviable, lacking in the necessary infrastructure or is owned by a party unwilling to sell, the allocation fails the “effective” soundness test.

Whilst the new wording set out in the NPPF 2026 does not currently apply to the examination of the Mid-Sussex Local Plan, it is this new wording that will need to be followed when the Plan is next reviewed. Under the Gateway 1 self-assessment this will likely be before December 2031 (guided by the possible date of adoption of this Review). Whilst the 2021-2040 Local Plan, once adopted, will provide the District with immediate protection against speculative development, any conflict with new national decision-making policies will lose considerable weight when assessed against the new NPPF 2026. It is therefore likely that the Plan will have to be reviewed promptly, and well before 2031 and, at that point, it will need to be compliant with the policies of the NPPF 2026. This now sets out Five Tests for Soundness under Policy PM15. Whilst there have been some changes, PM15 retains the 2023 NPPF test of “effective” where the Plan must set out policies that are deliverable over the Plan period and demonstrate a reasonable prospect that the site allocations are capable of being delivered. The lesser test of sites being “realistic” was not carried through to the final NPPF 2026.

To prove a site is appropriate and deliverable under the NPPF 2023 rules, it must be demonstrated that it is available now; suitable for development now and achievable, with clear evidence that housing completions will begin within 5 years.

The MM60 site is not an “appropriate site” and fails the soundness test for the following reasons:

i. Planning Status & Procedural Progress

Documents in the District Plan 2021-2039 Site Allocations Evidence Library for Site MM60 show that initial baseline assessments and appraisals for landscape, transport, built heritage, flood risk and surface water drainage, archaeology and trees were undertaken, variously, during the summer months of 2022. The Rural Planning Group report assesses the technical reports and, whilst some are rather dated and pre-date the post-hearing site-selection exercise, the main concern is that they are very high level, non-site specific or a first-principles assessment which leave significant matters unresolved and for later assessment.

It is to be assumed that a degree of engagement was undertaken with key bodies in 2022 to inform these reports and prior to the promotion as Site 1105 (and Site 710) through the SHELAA process.

Whilst procedurally the site is being progressed through the Local Plan, no outline, reserved matters or detailed planning application has been submitted, no EIA Scoping Report or Scoping Opinion Request have been made and there is no Planning Performance Agreement (PPA) in place to guide firm progress towards submitting a formal planning application Procedural progress therefore relies entirely on a positive allocation in the Main Modifications stage of the current Local Plan Review.

ii. Developer Commitment & Delivery Intentions

A site does not become deliverable just by appearing as a site in a SHELAA or as part of the Council's general housing trajectory. It has to be a "realistic prospect". That does not exist for Site MM60. There is no Statement of Common Ground between the Council and the land promoter confirming clear delivery intentions. There are no build-out trajectories or any concrete, realistic calculations showing anticipated site start dates, lead-in times, and annual build-out rates. There is therefore no "realistic prospect" or "clear evidence" that housing completions will actually begin within 5 years.

iii. Site Assessment & Technical Feasibility

There is no proof that practical barriers to breaking ground to deliver the development are actively being resolved. As stated above, there are Technical Studies that have been undertaken but these are nearly 4 years old, high level, some not site specific, and will need to be repeated in to reflect current site characteristics and policy context. An EIA Scoping Report leading to an EIA Scoping Opinion Request has also not been submitted.

iv. Viability, Infrastructure & Ownership Status

There is no evidence or proof of successful bidding or allocation of large-scale infrastructure funding needed to unlock the site. There is no fully justified, site-specific financial assessment demonstrating viability. With a proposed allocation of 750 houses with a mixed use community hub, play areas and recreation space with new highway connections and active travel, this site would be considered a strategic allocation where infrastructure and viability are key.

Setting aside the above requirements that, we say, have not been met such that MM60 is a realistic, deliverable site to meet the Council's 5 Year Housing Land Supply, a critical aspect of a successful allocation is legal site control.

There must be *clear evidence* that ownership constraints, land assembly issues, or developer options are resolved so that construction can physically proceed.

When promoted through the SHELAA as Site 1105 by Vistry Group, the two separate parcels of land were indicated as in "agricultural use" with a gross site area of 54 hectares and a potential yield of 1350 houses. Under "Availability" it states *"Site submitted by site proponent to the SHELAA for assessment – considered available"*. When considering "Achievability" it states *"There is a reasonable prospect that the site could be developed within the Plan period – Timescale – Medium-Long Term"*.

I refer you to the letter attached at **Appendix 1** from **Michelmores Solicitors** acting on behalf of Morgan Bale and Sacha Drabble. This sets out the specific and enforceable legal and land ownership constraints affecting the site. As concluded, the combined effect of ownership and covenants is as follows:

- the enforceable restrictive covenants – restricting the use of the land to agriculture or forestry and requiring consent prior to any application for planning permission;

- the absence of control over critical third-party land;

- the inability to rely upon non-highway land either side of the connecting lane which will be required to deliver the required, essential "active travel route" between the two separate parcels of land; and

- the lack of evidence that the necessary rights can be secured.

Both individually and in combination, these legal site control constraints demonstrate that the MM60 site is undeliverable. When added to the assessment of the suitability of the two parcels of land to accommodate the scale of development proposed, as summarised by Rural Planning Group and third party representations, the identification of MM60 as a formal allocation in the Local Plan will render the whole Local Plan unsound.

2. Core Principles Leading to the Deletion of MM60

Under the National Planning Policy Framework (NPPF), the test for whether a housing site is "deliverable" dictates how local authorities calculate their crucial five-year housing land supply.

As set out in Annexe 2 of the Glossary to the NPPF 2023, "deliverable" requires a site that is:

- **Available now:** The site is free from legal, ownership, or operational constraints.

- **Suitable location now:** The site offers a sustainable location for development and aligns with national policy.

- **Realistic Prospect that Housing will be delivered on site within 5 Years**.

The framework splits sites into two distinct categories to apply different evidential bars:

- Detailed or Non-Major Permission: Assumed deliverable until permission expires, unless clear evidence proves otherwise (e.g., viability issues or long phasing plans).

- Major Development/Allocations: Sites with outline permission for major development, allocations, permission in principle or brownfield register sites require clear evidence of completions within five years.

A proposed allocation of 750 houses on MM60 brings it int the “Major” category. The "Available Now" Test states that a site *cannot* be considered deliverable in a Plan *unless* it is available immediately and suitable for development with robust evidence to demonstrate clear prospects of breaking ground within the five-year window. MM60 fails the baseline criteria for allocation.

The MM60 site is being promoted by Vistry Group. It is clear from the technical reports that these parcels of land have been under consideration by the Group for more than 4 years.

It is understood that even though they have devoted resources to promoting this land since at least 2022, during this time, the promoter has failed to secure the agreement of the owners of land that will be required to successfully deliver the “Policy Requirements” the Council has set out for MM60 in the Schedule of Main Modifications, July 2026. This appears to be a critical oversight in the promotion of this land through the SHELAA process and the indication given to the Council, at that stage, that the whole 54 hectares is “available” and “achievable”. This is, and was, factually incorrect.

The promoter cannot state that the land is “available” or “achievable” now, or at any time in the future. Had the site been subject to greater scrutiny earlier in the process and the restrictive covenants declared by the land promoter, such restrictions and limitations would have been clear and MM60 would never have been progressed as a Main Modification site.

There are “absolute” legal and ownership boundaries that impact a significant part of the MM60 allocation. This makes the assumptions that have underpinned allocation of MM60 unsound. as part of the Main Modifications to the Mid-Sussex Local Plan Review fails the strict legal tests of soundness and deliverability set out in the National Planning Policy Framework (NPPF 2023). Specifically, the plan is not justified, effective, or consistent with the national policy under which it is being assessed, or the new NPPF 2026 under which it will be reviewed.

3. Documented Examples and Deletions

While the Government guidance urges a pragmatic approach towards minor economic fluctuations, unless there is a realistic prospect of market delivery, the allocation fails the "soundness" test. Absolute physical, legal, or ownership barriers ("not available/achievable") have also been shown to be enough for Inspectors to delete allocations to prevent an unsound, undeliverable Local Plan.

As illustrated by the examples below, Inspectors routinely heavily modify, strike out, or force the removal of proposed housing, or commercial, sites from emerging Local Plans, if evidence proves the land lacks availability, viability or deliverability/achievability:

- **London Borough of Harrow Local Plan:** An Inspector formally deleted a proposed residential site allocation from the draft plan because significant access and easement constraints limited the developable area and, crucially, the freehold landowner formally advised the Council that the site was not available for residential use. The Inspector concluded the policy was neither justified nor effective and mandated its removal (Main Modification MM98).

- **Tunbridge Wells Borough Local Plan (2024–2025):** During the examination of the Tunbridge Wells Local Plan, a proposed strategic allocation known as Tudeley Village (a garden settlement of roughly 2,800 homes) was heavily contested. The Inspector raised severe concerns regarding its deliverability, specifically pointing to lack of certainty over crucial highway infrastructure improvements (including a necessary bypass) and overall financial viability. The Inspector found that the allocation was *"potentially undeliverable and thus ineffective"*. To make the plan sound, the Inspector directed the Council to remove the strategic allocation entirely, forcing them to look elsewhere to meet their housing numbers.

- **Leeds Site Allocations Plan (SAP)**: A series of sites, predominantly located on Green Belt land, were challenged during the examination regarding their true availability and immediate deliverability within the front-loaded plan period. The Inspectors explicit recommendation in the Final Report required the council to *"delete identified and allocated sites that are no longer available or deliverable"*. This led to thousands of units being removed from the immediate allocation pool, with some being reverted back to safeguarded land or Green Belt because they could not prove a realistic trajectory of delivery.

- **Isle of Wight Island Planning Strategy (ongoing)**: Specific allocations have faced direct deletion threats due to physical constraints rendering them undeliverable. For example, the Inspectors directly questioned whether the allocation HA025 (Land rear of 84 Wyatts Lane, Northwood), was *"justified and effective"* noting that the constraint (a buffer zone) meant *"most or all of housing allocation HA025… would be undeliverable"*.

- **Welwyn Hatfield Local Plan**: The long-running examination of the Welwyn Hatfield Local Plan featured multiple instances where the Inspector explicitly rejected proposed site allocations put forward by the Council. Several sites (such as Symondshyde Garden Village and allocations around Birchall Garden Suburb) faced complex environmental constraints, land contamination concerns, and severe lack of land-owner consensus. The Inspector repeatedly ruled that the sites lacked robust evidence of deliverability within the plan period. He required the Council to delete the undeliverable allocations and return with sound, alternative sites, prolonging the examination for years until the plan was scaled back.

- **Warrington Borough Council Local Plan & M5.11:** Major strategic parcels have faced challenges where employment or housing trajectories relied on assumptions of delivery that Inspectors found *"not probable"* or unsupported by transparent traffic, environmental, or deliverability evidence, leading to modifications and findings of unsoundness regarding specific land allocations.

To make the Mid-Sussex District Plan deliverable and sound, we respectfully request that **the Inspector direct the removal of the 750 units of Site 1105/Site 710 from the 5 year housing land supply trajectory under MM60 and delete the site as a Main Modification.**

4. **Participation at Future Hearing Sessions:**

We fully support the request by Rural Planning Group that, if the Inspector is not satisfied on the written evidence submitted on behalf of Morgan Bale, Sacha Drabble, the Malthouse Lane Action Group and all the concerned local residents to confirm the deletion of MM60, there should be a further examination hearing session specifically concerning MM60 be convened before any recommendation is made that the allocation should be included in the adopted Plan.

Aside from the principles of natural fairness, openness and effective scrutiny, a hearing would enable the Council, site promoter, affected landowners and other representors to test the evidence concerning the allocation.

I would be grateful if you could confirm receipt of this submission and keep me informed of the next steps in the examination process.

Yours sincerely

Diane J Aldridge MRTPI BA(Hons)
Director
DJA Planning

APPENDIX 1 – Letter from Michelmores Solicitors – 7th September 2026

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To whom it may concern
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Date	7 September 2026

Dear Sirs

Representations objecting to MM60 - Mid Sussex District Plan (2021 - 2040) - Main Modifications Consultation

We act on behalf of Morgan Bale and Sacha Drabble. Diane Aldridge is also instructed by our clients.

Our clients object to the proposed allocation of the MM60 site, which, for the reasons set out here, is not justified, effective or deliverable.

This letter addresses legal and land ownership constraints affecting the site. These matters are fundamental to the question of deliverability and should be considered alongside Diane Aldridge's representations objecting to MM60.

1 The test of deliverability

The Council proposes to allocate MM60 for approximately 750 dwellings. The allocation is predicated upon the successful delivery of a comprehensive development spanning land on the east and west sides of Malthouse Lane, together with:

- connectivity between the eastern and western parcels;
- active travel routes along Malthouse Lane;
- associated highway and infrastructure works; and
- a coordinated masterplanned development.

Those assumptions are unsound because they are dependent upon the availability of land in our clients' control and the removal of restrictive covenants that benefit our clients. The land required is therefore not available.

2 Restrictive covenants affecting the western parcel

Our clients own the freehold of Locks Manor, Malthouse Lane, Burgess Hill BN6 9JZ (**'Locks Manor'**) under title WSX393262. Locks Manor lies between the two parcels of MM60, lying north of and abutting the connecting route between the eastern and western parcels of MM60.

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The substantive part of the western parcel of MM60 includes land known as Kents Farm, Hurstpierpoint, Hassocks BN6 9JZ ('**Kents Farm**'). Kents Farm is registered under title number WSX28697.

Kents Farm, and therefore the western section of MM60, is subject to a number of restrictive covenants that benefit and run with Locks Manor. Our clients have received Counsel's opinion that these restrictive covenants remain enforceable by our clients.

The restrictive covenant relevant to our clients' objection imposes on Kents Farm an enforceable obligation not to use any part of Kents Farm other than for agriculture or forestry.

This is not a theoretical constraint. It is a private law right capable of being enforced by the beneficiaries of the covenant, namely our clients. It imposes an insurmountable legal impediment to the deliverability of MM60 because the owner of Locks Manor (presently our clients) can effectively prohibit development of the western parcel of MM60. Accordingly, a material part of the land assumed to contribute towards the allocated development cannot properly be regarded as available for development.

3 Land required to facilitate connectivity is unavailable

In addition, Locks Manor includes land registered under titles WSX402579 and WSX402578, which are in the absolute freehold ownership of our clients. The land under titles WSX402578 and WSX393262 together abuts, to the south and north respectively, the proposed MM60 allocation connection between the western and eastern parcels.

This connection is currently a narrow lane running from Malthouse Lane to Scotches Farm. It is a private metalled road along which there is an adopted public right of way for users on foot only. It is unlawful for vehicles to pass along a footpath without lawful authority.

To facilitate connectivity between the two parts of MM60, the category of user will need to be enhanced to bridleway or road. Insofar as additional land is required to be dedicated to widen the connection route for the safety of these new types of users, our clients will not provide that land.

Where the proposed allocation of MM60 assumes that the route can accommodate enhancement, widening or other interventions necessary to support development of the scale proposed, that assumption is unsupported.

4 Consequences for deliverability

The combined effect of:

- the enforceable restrictive covenants;
- the absence of control over critical third-party land;
- the inability to rely upon land required for improvements to the private road corridor; and
- the lack of evidence that the necessary rights can be secured,

is that MM60 cannot presently be regarded as deliverable.

On the contrary, the available evidence demonstrates that significant elements of the site and associated infrastructure corridor are constrained by legal rights and ownership interests beyond the control of the promoter.

5 Conclusion

In the absence of clear evidence that these legal and land ownership constraints can be overcome within the plan period, MM60 is not available, effective or deliverable. The allocation is therefore unsound and should be deleted from the District Plan.

Yours faithfully



Michelmores LLP