

Matter 5 – The Spatial Strategy

Hearing Statement Addendum

REPRESENTOR

Catesby Strategic Land

DATE

February 2026

Introduction

This Addendum Note has been prepared to supplement the Hearing Statements submitted on behalf of Catesby Strategic Land in relation to the Mid Sussex District Plan 2021-2039.

The Matters, Issues and Questions prepared for the upcoming Examination in Public (EiP) Hearings are not directly comparable to those published for the 2024 Hearings. To assist the Inspector, this Addendum cross references the relevant sections of the original Hearing Statements which are enclosed in **Appendix 1-3**. Please note that the Hearing Statement contained in Appendix 2 primarily relates to the Duty to Cooperate, but it is still relevant to the consideration of neighbouring housing need and comments made on cross boundary matters. Separate Addendums have been prepared to address Matters 1 and 6.

(a) Whether the plan's apportionment of development to larger and smaller settlements and freestanding allocations, and to different sizes of site, is effective in ensuring delivery and in meeting community needs.

Please refer to the Hearing Statement contained in **Appendix 3** which provides comments on the spatial strategy in Section 1.3. We consider it appropriate that Haywards Heath is defined as a Category 1 town, at the top of the settlement hierarchy.

We also refer the Inspector to the Addendum Note prepared for Matter 1 as it relates to potential strategic growth adjacent to Haywards Heath within Lewes District. The Regulation 18 Draft Local Plan, now open for consultation until the end of February, contains indicative plans for a strategic extension southeast of Haywards Heath which contains a number of promoted sites located between the Hurst Farm development and the southern end of Lunce's Hill. The Draft 18 Draft Local Plan is an early draft and will be subject to further assessment and consultation, but it is relevant to growth around Haywards Heath as a Category 1 settlement.

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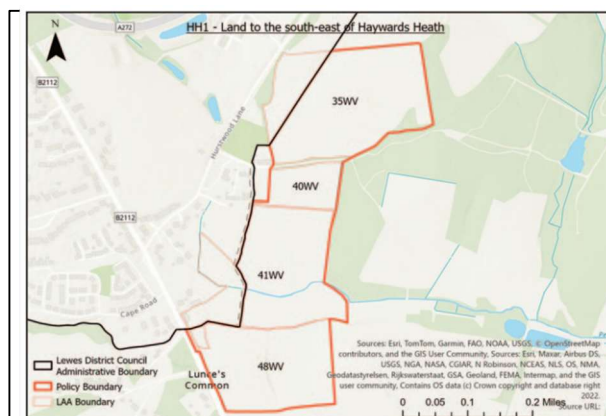


FIGURE 1 –EXTRACT OF DRAFT ALLOCATION FOR LAND SOUTH EAST OF HAYWARDS HEATH (SOURCE: LDC)

(b) The relationship between the spatial strategy and transport objectives, transport infrastructure and transport constraints

No comment.

(c) Whether the spatial strategy takes an appropriate approach, at the strategic level, towards climate change mitigation, countryside protection, environmental protection, flood risk and heritage

No comment.

APPENDIX

1



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MID SUSSEX DISTRICT PLAN EXAMINATION

Hearing Statement: Matter 1

CLIENT: Catesby Strategic Land

September 2024
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1 MATTER 1: LEGAL AND PROCEDURAL REQUIREMENTS

1.1 INTRODUCTION

- 1.1 This Hearing Statement has been prepared on behalf of Catesby Strategic Land in response to the examination on the Mid Sussex District Plan (MSDP).
- 1.2 Catesby Strategic Land controls 'Land at Lunce's Hill, Haywards Heath' and is promoting the Site for allocation as part of the MSDP process. The Site comprises a cross-boundary site which is also being promoted within the emerging Lewes Local Plan, with total capacity for approximately 135 dwellings.

1.2 SUSTAINABILITY APPRAISAL

Qu. 5

Has the plan been subject to Sustainability Appraisal (SA), including a report on the published plan, which demonstrates, in a transparent manner, how the SA and Site Selection Methodology (SSP1) have influenced the evolution of the plan making process. For example, could I be directed to where the sites have been ranked against each other as referenced in paragraph 36 of SSP1? What if anything is the cut off threshold? Have the requirements for Strategic Environmental Assessment been met?

- 1.2.1 No comment – for the Council to respond.

Qu. 6

Is the non- technical summary suitably concise? Has the SA followed the correct processes in terms of content and consultation? In particular, is the scoring methodology within the SA consistent, coherent and accurate?

- 1.2.2 In terms of the correct process for the content of the Sustainability Appraisal (SA), the Planning Practice Guidance (PPG, Paragraph: 018 Reference ID: 11-018-20140306) requires that the SA needs to "provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives".
- 1.2.3 It is our view that the SA provides insufficient explanation of the conclusions reached and the reasons why the growth strategy for the plan was selected and other options rejected. This is not clear and is therefore not effective nor in line with the statutory requirements of the SA.

Qu. 7:

Have all reasonable alternatives been considered in terms of spatial strategy, policies, and sites including increases in density or housing numbers?

- 1.2.4 No. We do not consider that all reasonable alternatives have been considered in terms of the spatial strategy, to allow alternative distributions of development to be robustly considered. The SA has an important, statutory role in the Local Plan process to ensure that the emerging Local Plan helps to achieve the environmental, economic and social objectives set out within the NPPF. It is therefore concerning that the SA is not comprehensive or complete.
- 1.2.5 SAs need to consider and compare all reasonable alternatives, as the Plan evolves (PPG, para. 018 Reference ID: 11-018-20140306).
- 1.2.6 Chapter 4 of the "Sustainability Appraisal Environmental Report" (November 2023) ('SA') explores the Growth Options for the MSDP. This considers five spatial options:
- Option 1: Proportionate growth across the hierarchy of settlements – main settlements accommodating greater levels of growth (Adopted District Local Plan Spatial Strategy).
- Option 2: Growth to support the sustainability potential of existing smaller settlements (limited growth in protected landscapes).
- Option 3: Creating a new sustainable settlement with associated facilities.
- Option 4: Focus development in the three towns utilising existing facilities and transport links (Burgess Hill, Haywards Heath and East Grinstead).
- Option 5: Prioritise development on brownfield land.
- 1.2.7 In our view the SA does not consider all reasonable alternatives and is too simplistic.
- 1.2.8 The Council's Local Housing Need is identified at a minimum of 19,620 dwellings over the Plan period in the Submission Local Plan, currently proposed to increase slightly due to March 2024 changes to the standard method (reducing the annual housing need from 1,090 to 1,039 dwellings per annum), and an increase in the Plan period from 2039-40. This is based on the current standard method and we support MSDC confirming that there are no exceptional circumstances which would result in this figure being reduced (MSDP DPH1), and support that the Plan is seeking to meet this need, with a small buffer.
- 1.2.9 However, as set out in detail in our Hearing Statement on Matter 2 (Duty to Cooperate), there is a significant under provision of housing in the wider area. The south of the district overlaps with the Sussex Coast Housing Market Area 'HMA' which comprises a group of seven severely constrained local planning authorities, restricted in their capacity to accommodate development by both the South Downs National Park and their proximity to the coast. The housing need in the urban areas, in particular in Brighton & Hove with a depleted supply of available urban sites is well-documented, whilst authorities such as Lewes are

restricted by the location of principal settlements within the National Park, and Wealden with the High Weald National Landscape.

- 1.2.10 Where authorities are unable to meet their need in full, MSDC has a duty to explore whether it can accommodate some of the overspill of the Sussex Coast's unmet need. It is therefore a failure of the Plan that the SA does not include an option which looks specifically at meeting unmet need from neighbouring authorities. We contend that the Council ought to have explored distribution options for unmet needs more objectively, including an assessment of the contribution sites on the edge of sustainable settlements could make.
- 1.2.11 Alongside, given the environmental constraints across the District, namely the National Landscape (AONB) we would also expect an option which looked specifically at development within and not within the designation. The Plan's leading spatial strategy objective is "Protection of the High Weald AONB", and yet this doesn't seem to have been included in the reasonable alternatives set out in the SA.
- 1.2.12 Whilst covered by the transitional arrangements, it is also prudent to note that the changes to the standard method proposed by the new Government will see Mid Sussex's housing need figure increase by 23% to 1,276 dwellings per annum i.e. 24,244 dwellings for the amended plan period up to 2040. Again, whilst this was not known at the time of Submission, it does indicate that it would have been justified and rational for the Council to have explored a reasonable alternative within the SA which looked at the Council exceeding its housing need.
- 1.2.13 In terms of specific sites to be appraised throughout the SA, we have no in principle problem with using the Council's SHELAA to identify suitable sites. However, in this instance the SHELAA failed to identify suitable sites to the southeast of Haywards Heath, and rather erroneously discounted suitable land at Lunce's Hill (Ref. 1136) on heritage grounds. This is not logical or rational; there is one listed building to the west of the site, Grade II, which could easily be designed into a scheme to ensure its setting is preserved. Indeed, it is noted there is a new housing development directly opposite under construction: Spring Bank by Sigma Homes which has clearly overcome any constraints presented by this heritage asset. This criterion has not been applied consistently on other sites allocated and it is therefore not appropriate that this site has been considered as a reasonable alternative. The approach is not justified and unsound.

Qu. 8

Have these reasonable alternatives, been considered on a like for like basis? Is the evidence on which the scenarios are predicated consistent and available from the Examination website? What is the significance if any, to the robustness of the SA, of the publication of additional evidence, such as transport and flood risk evidence after the Plan was submitted? Are there any policies, or strategies, where there were no reasonable alternative options to consider? If so, what is the justification?

- 1.2.14 We do not seek to provide detailed commentary on this matter, but we do consider that some of the scoring presented in Table 4-2 of the SA (which sets out the scoring summary of the appraisal of options) is not always logical or consistent. For example, it scores the provision of housing as "uncertain" for Options 1

(focusing on three principal towns) whereas this should be known at the time of submission (i.e. the level of housing that can be achieved through growth around the times); particular when certain positive answers are provided for some of the options.

Qu. 9

Has the SA of the Pre-submission Plan been subject to consultation with the consultation bodies? What concerns have been raised and what is the Council's response to these?

1.2.15 No comment. For the Council to respond.

APPENDIX

2



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MID SUSSEX DISTRICT PLAN EXAMINATION

Hearing Statement: Matter 2

CLIENT: Catesby Strategic Land Ltd
September 2024
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1 MATTER 2: DUTY TO COOPERATE

1.1 INTRODUCTION

- 1.1.1 This Hearing Statement has been prepared on behalf of Catesby Strategic Land in response to the examination on the Mid Sussex District Plan (MSDP).
- 1.1.2 Catesby Strategic Land controls 'Land at Lunce's Hill, Haywards Heath' and is promoting the Site for allocation as part of the MSDP process. The Site comprises a cross-boundary site which is also being promoted within the emerging Lewes Local Plan, with total capacity for approximately 135 dwellings.

1.2 ISSUE 1: WHETHER THE COUNCIL HAS COMPLIED WITH THE DUTY TO COOPERATE IN THE PREPARATION OF THE PLAN?

Qu. 21:

Have all Statements of Common Ground been provided consistent with the requirement of the Framework and the associated Planning Practice Guidance?

- 1.1.3 No comment- for the Council to advise. It is however noted that a Statement of Common Ground (SoCG) has not been submitted between Mid Sussex District Council (MSDC) and the West Sussex and Greater Brighton Strategic Planning Board. The Duty to Cooperate (DtC) Compliance Statement prepared by MSDC (July 2024) to inform the examination confirms that this is being prepared (para. 13). We have not seen a copy of this and does not appear to be available within the examination library.

Qu. 22:

Has the Council co-operated with the relevant local planning authorities, and appropriate prescribed bodies, in the planning of sustainable development relevant to cross boundary strategic matters? If so, who has the Council engaged with, how, why, and when, with particular reference to the ability to influence plan making and the production of joint evidence and meeting unmet needs?

- 1.1.4 This is a question for the Council to answer. However, it would be appropriate to expand this question to ask, if all relevant consultees, including the Prescribed Bodies, have been engaged, has that engagement "maximised the effectiveness" of preparing the Plan? If not, the Plan must be at risk of failing the legal test imposed by Section 33A of the Planning and Compulsory Planning Act 2004. For reasons set out below we do not consider this to be the case.

Qu. 23:

Specifically, in relation to Mid Sussex Council, what are the matters of cross boundary strategic significance which require co-operation, and how have these matters been identified?

- 1.1.1 No comment – for the Council to advise.

Qu. 24:

In considering such matters, including the timing, has the Council co-operated with those identified above, constructively, actively, and on an on-going collaborative basis throughout the preparation of the submission plan?

- 1.1.2 No. It is not considered that MSDC has engaged actively and on an ongoing basis with Lewes District Council (LDC). It is unclear how often the authorities have met; this information has not been included within either the SoCG between the two parties nor the DtC Compliance Statement prepared by MSDC. However, the language used in the DtC Compliance Statement suggests this engagement has been limited, especially when compared to statements made about discussions with other authorities. Within the DtC Compliance Statement, MSDC states (para. 23, own emphasis added):

*"The Council **invited** Lewes to feed into the early stages of developing the Plan's evidence base, specifically the draft site selection methodology. Lewes also **attended focussed joint authority meetings** to engage in the emerging **Transport evidence**, led by Mid Sussex District Council".*

- 1.1.3 This indicates that discussions on the provision of housing have not taken place (using the word invited, rather than taken place), and are certainly not ongoing. Indeed, the only meetings referenced relate to transport evidence.
- 1.1.4 We note in the signed SoCG between MSDC and LDC (signed 12 August 2024, after submission of the Local Plan) that LDC will not have enough suitable land available to meet its housing need; with a shortfall anticipated between 2,675 and 6,628 homes (page 5). LDC wrote to MSDC to request assistance on 7 February 2024; MSDC's response is unclear.
- 1.1.5 Whilst MSDC does set out in the Signed SoCG that it has assessed its ability to accommodate housing development and has considered all sustainable sites within the District which are included within the examination plan, it does not provide a clear response, or evidence of an exchange with LDC, to advise that it has considered this request and provided reasons for not being able to do so.
- 1.1.6 Indeed, if it had, we would have expected discussions to have taken place between LDC and MSDC on the potential suitability of our client's site at Lunce's Hill; something that has not happened. This site is currently being considered unsuitable by LDC due to "cross district issues"; the specific issue that the DtC seeks to address. It is evident that these two authorities have not engaged as they are required to do by Section 33A of the Planning and Compulsory Purchase Act 2004 in the preparation of this Plan.

Qu. 25:

I am aware of a number of cross boundary groupings which involve Mid Sussex on a sub-regional level as set out in the various Statements of Common Ground. As a consequence of the Council's legal duty to co-operate, how has the effectiveness of plan-making activities relating to the identified strategic matters been maximised to enable deliverable, effective policies? In doing so, has joint working on areas of common interest been undertaken

for the mutual benefit of Mid Sussex Council and its neighbouring authorities with tangible outputs?

- 1.1.7 MSDC appears to rely heavily on the sub-regional grouping of the “Northern West Sussex” Authorities. This is understandable to an extent given the evidence as set out in the Council’s Strategic Housing Market Assessment indicates this is the district’s principal housing market area.
- 1.1.8 However, parts of the District are located in other housing market areas and we are concerned that the needs of these housing market areas, which are relevant to the wider regional approach which DtC provision seeks to facilitate, has not been considered.
- 1.1.9 For example, reference is made within the DtC Statement to the West Sussex and Greater Brighton Strategic Planning Board. This was formed to identify and manage strategic planning issues within the area and to support better integration and alignment of strategic spatial and investment priorities. It was initially made up of the coastal West Sussex local planning authorities together with Brighton & Hove City Council and Lewes District Council but was expanded to include the authorities within the Northern West Sussex HMA (Mid Sussex, Crawley and Horsham).
- 1.1.10 This board appears to have the remit to help coordinate strategic planning across this region and help align the provision of housing across the different authority areas, all subject to their unique constraints and opportunities. It appears to be the principal mechanism outside of the Northern West Sussex Authority group to consider the delivery of housing in the other housing market areas.
- 1.1.11 We note, however, that to date, a SoCG has not been prepared, notwithstanding that the DtC Compliance Statement prepared by MSDC indicates that this is to follow (Para. 13). There is no evidence submitted as to how this board has contributed to DtC discussions, and as such it has not been effective in contributing towards plan making and ensuring the duty to cooperate has been adhered to. In our firm view this is required to ensure the needs of those authorities outside of the Northern West Sussex Housing Area have their needs considered.

Qu. 26:

Has Mid Sussex Council been diligent in making every effort to meet cross boundary strategic priorities, including addressing potential unmet development needs arising from neighbouring authorities as referenced in Policy DP5 of the Mid Sussex District Plan 2014-2031 and as requested by neighbouring authorities?

- 1.1.12 No. Whilst it is applaudable that Mid Sussex is meeting its housing needs, with a buffer, it is clear from the Duty to Cooperate evidence that the Council is not planning positively to assist with unmet needs from elsewhere. In the SoCG between MSDC and LDC, the following is stated:

“The District Plan provides an oversupply of 996 dwellings, adding resilience to housing delivery in Mid Sussex, should any commitments not be delivered as expected”.

- 1.1.13 The Council is applying a buffer to its own need, which may allow for some of under delivery of sites.
- 1.1.14 As identified in our response to Qu. 24, LDC wrote to MSDC asking if it could meet its development needs in February 2024. There is no evidence of a response to this, or any evidence through the Sustainability Appraisal that the Council has properly considered whether it could do.
- 1.1.15 If this process had been done, it would be reasonable to believe that our client's site at Lunce's Hill would have been considered further for residential allocation given its strategic location between both Mid Sussex and Lewes, and its sustainable location on the edge of Haywards Heath (a Category 1 settlement).

Qu. 27:

Notwithstanding the Housing Needs Statement of Common Ground (SoCG) (DC4), signed by the Northern West Sussex authorities, what is the rationale for the prioritisation of meeting the unmet needs of the Northern West Sussex HMA over those of the unmet needs of other relevant HMAs?

- 1.1.16 MSDC contends that if it has surplus housing provision set out in the Plan this will prioritise meeting the housing need of the Northern West Sussex HMA in the first instance (SoCG between MSDC and LDC, page 6, point 7). This is no doubt reflective of the evidence which advises that the majority of the district is within this HMA.
- 1.1.17 However, that should not preclude housing need being met in other housing market areas that the District also covers. In addition to the District's own housing pressures, part of the DtC involves considering whether neighbouring authorities' unmet housing need can be accommodated. The south of the district overlaps with the Sussex Coast Housing Market Area 'HMA' which comprises a group of seven severely constrained local planning authorities, restricted in their capacity to accommodate development by both the South Downs National Park and their proximity to the coast. The housing need in the urban areas, in particular in Brighton & Hove with a depleted supply of available urban sites is well-documented, whilst authorities such as Lewes are restricted by the location of principal settlements within the National Park.
- 1.1.18 Where authorities are unable to meet their need in full, MSDC has a duty to explore whether it can accommodate some of the overspill of the Sussex Coast's unmet need; and we would ascertain this should not just relate to housing within its principal housing market area.
- 1.1.19 Given the availability of suitable land for housing is severely depleted and/or constrained within a shared Housing Market Area, it would be expected given the proximity the border to Lewes District in Haywards Heath that the potential for cross-boundary sites in the strategic location southeast of Haywards Heath would be explored by both authorities in the preparation of both emerging Local Plans in order to reach an agreement as to how housing capacity might reasonably be maximised. It is unclear why the provision of housing to meet the needs of this market area are not considered appropriate or a priority. There are sites, as outlined in this Statement, that can provide sustainable development options and help meet the needs of Lewes District and it is a failure of this Plan that these options have not been fully considered.

- 1.1.20 Whilst the Council states that it is aware of the housing need position of the neighbouring authorities, it is not at this stage clear the extent to which the ability of MSDC to either assist or meet the unmet needs of neighbours has been explored.

Qu. 28:

Are there strategic matters which have not been adequately considered on a cross-boundary basis? If so, what are they and how is this the case?

- 1.1.21 As noted above, we do not consider that the provision of housing has been adequately considered on a cross-boundary basis. MSDC has not engaged proactively with all adjoining authorities, including LDC, and considered whether it can meet its housing needs. It has not sought to fully explore the allocation of sites which cross Lewes' boundary. It is not clear whether LDC and MSDC have met, nor has MSDC formally responded to LDC's request to meet some of its unmet need.
- 1.1.22 In the context of our client's site at Land at Lunce's Hill, the site falls partially within the boundaries of Mid Sussex. The site was brought to the Council's attention during the Regulation 19 draft Local Plan consultation (and Reg. 18 for the LDC Local Plan) in which concerns with regard to the DtC were raised. There is very significant unmet housing need across Sussex, including lack of five-year housing supply across East Sussex, and adopted Plans in Brighton & Hove, Crawley and Worthing which fail to meet local housing needs in full. It was therefore anticipated that the Council would be expected to provide further detail on the DtC, and an uplift to the housing requirement, within the next iteration of the District Plan Review and, given the nature of the opportunity presented on the land at Lunce's Hill, we would have welcomed a meeting with policy officers at the earliest opportunity.
- 1.1.23 Concerningly, there has not been any subsequent engagement in relation Land at Lunce's Hill which has been assessed as unsuitable within the LDC Land Availability Assessment partly in relation to the cross-boundary constraints. Such matters should easily have been resolved if the engagement required by the DtC has been taking place and indeed, alongside unmet need, it is the specific intention of the DtC to address such matters.
- 1.1.24 It is therefore reasonably assumed that engagement between the two planning authorities has not taken place to agree a strategy in which to ensure the sustainable delivery of the strategic location southeast of Haywards Heath. This represents a significant missed opportunity to maximise the housing capacity of both authorities, and which appears to stem largely from an apparent lack of cross boundary engagement. We therefore have serious outstanding concerns as to whether the DtC has been satisfactorily discharged in relation to meeting unmet housing needs and given the record of recent failed Plans in similar circumstances in the southeast, there are significant questions about the legality of a plan which fails to adequately address the DtC.

Qu. 29:

Specifically, has the Duty to Co-operate been discharged in a manner consistent with Paragraphs 24- 27 of the Framework?

- 1.1.25 No. We do not consider that MSDC has discharged the requirement of the NPPF in terms of maintaining effective cooperation in the preparation of the Plan. Specifically, it has not demonstrated effective and on-going joint working with other strategic policy making authorities, specifically LDC, to produce a positively prepared and justified strategy (NPPF para. 26).
- 1.1.26 In order to demonstrate effective and ongoing working, para. 27 of the NPPF makes clear that SoCG should be produced and made publicly available throughout the plan making process to provide transparency. As noted in our Representations to the Regulation 19 Local Plan consultation, a SoCG with LDC had not been signed, or made available until after submission of the Plan. This does not provide confidence that the two authorities have worked positively to facilitate a sound or lawful plan making process.
- 1.1.27 We raised concern in our Regulation 19 representations that at that time no SoCG had been published within the MSDC's Local Plan Evidence Base and there was limited information, particularly in regard to the engagement by MSDC with neighbouring LDC in relation to strategic issues. Even now, with the Statements published, there is inadequate information available to determine whether cross-boundary issues, namely housing need in the context of the limited capacity of Lewes District to meet its own needs have been properly addressed and no evidence suggesting MSDC have engaged constructively, actively and on an ongoing basis with LDC.
- 1.1.28 It is extremely concerning that still no strategy has been set out to accommodate unmet need from nearby authorities which is a core requirement to the production of positively prepared and justified strategies. In addition to unmet need, it is also established that the DtC serves a clear purpose in facilitating the delivery of cross-boundary sites, such as that of our client's. Where suitable opportunities exist to maximise the development capacity of a constrained district by jointly promoting cross-boundary sites, the DtC provides a platform upon which to undertake engagement exercise in this regard.
- 1.1.29 Furthermore, it is clear that the new Labour Government is placing great emphasis on cooperation between authorities and setting a firm direction of travel. In her letter dated 30th July to all Local Authority leaders, Angela Rayner confirmed that:
- "First, in addition to the continued operation of the duty to cooperate in the current system, we are strengthening the position in the NPPF on cooperation between authorities, in order to ensure that the right engagement is occurring on the sharing of unmet housing need and other strategic issues where plans are being progressed in the short-term".*
- 1.1.30 Given the lack of evidence setting out that this has been completed, we have serious concerns in regard to the ability of the Council to demonstrate that it has satisfactorily discharged the DtC and the extent to which the Plan is positively prepared.

APPENDIX

3



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MID SUSSEX DISTRICT PLAN EXAMINATION

Hearing Statement: Matter 3

CLIENT: Catesby Strategic Land

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1 MATTER 3: VISION, OBJECTIVES AND SPTAIL STRATEGY

1.1 INTRODUCTION

- 1.1.1 This Hearing Statement has been prepared on behalf of Catesby Strategic Land in response to the examination on the Mid Sussex District Council's District Plan (MSDP).
- 1.1.2 Catesby Strategic Land controls 'Land at Lunce's Hill, Haywards Heath' and is promoting the Site for allocation as part of the MSDP process. The Site comprises a cross-boundary site which is also being promoted within the emerging Lewes Local Plan, with total capacity for approximately 135 dwellings.

1.2 ISSUE 1: SPATIAL VISION AND OBJECTIVES

Qu. 30:

Does the Spatial Vision for the 2018 District Plan remain relevant?

- 1.1.3 The Mid Sussex District Plan (MSDP) sets out the same Vision as that set out within the adopted 2018 Plan. We are generally supportive of this Vision and in our view remains relevant.
- 1.1.4 Notwithstanding this, and perhaps a small point in the context of the overall Plan but identifying a Vision for the new District Plan provided the Council with an opportunity to provide a bolder, more proactive statement recognising that facilitating growth to meet the social and economic aspirations of the District will be welcomed. It is disappointing that the Council has not sought to do this. This is particularly the case in light of the new Government's aspirations for the planning system as set out within the emerging draft NPPF which is currently out for consultation; and the revised Standard Methodology figures which increases MSDC's housing need figure by 23%.

Qu. 31:

Are the Plan objectives which have been identified relevant; justified; and consistent with National Policy?

- 1.1.5 There are 15 strategic objectives identified within the Plan. We are broadly supportive of these objectives and have no comment to make regarding their consistency with National Policy.

Qu. 32 :

Is the Plan period justified, effective and consistent with national policy in particular paragraph 22 of the Framework? Should it be extended, if so, why?

- 1.1.6 No comment.

1.3 ISSUE 2: SPATIAL STRATEGY

Qu. 33

Chapter 6 of the Plan relates to the District Plan Strategy. However, there is no explicit strategy within the Plan as submitted rather four principles and a distribution of development based on commitments, and existing and proposed allocations. Is there an overall spatial strategy which sets out the pattern, scale and design quality of places and makes sufficient provision for development and infrastructure as required by paragraph 20 of the Framework? If so, how would this strategy influence decision-making, and has it been positively prepared, justified, and effective?

- 1.1.7 We consider the spatial strategy is unclear and therefore the Plan is not as effective as it could be. Whilst we note the inclusion of a Key Diagram and table identifying the distribution of development, there is no clear policy identifying the approach being taken to meet the District's development needs over the Plan period. A clear, overarching strategic policy at the outset of the Plan would help provide clarity to the other Policies within the Plan providing a clear steer on the preparation, and determination of, planning applications.
- 1.1.8 Para. 20 of the NPPF makes clear that Strategic Policies should set out the overall strategy for the pattern, scale and design quality of places for housing, infrastructure, community facilities and the conservation and enhancement of the natural, built and historic environment. Plans should make explicit which policies are strategic policies and should provide the starting point any non-strategic policies that are needed.
- 1.1.9 It is not clear what policies within the Local Plan are Strategic Policies and as such the plan is not effective. This should be included ahead of the Plan progressing. This is essential to provide a clear and effective framework for the preparation of Neighbourhood Plans and in the determination of planning applications.

Qu. 34

Does the spatial strategy make the effective use of land including previously developed land?

- 1.1.10 To a large extent, we consider that the spatial strategy does make the effective use of land including previously developed land, recognising opportunities for development where suitable and available within existing settlements and on previously developed land. However, we consider it has not considered thoroughly opportunities for sustainable development on the edge of the Category 1 settlements.
- 1.1.11 Haywards Heath is a Category 1 settlement. Whilst its potential for future strategic growth is limited over this plan period; not least due to the strategic growth already planned through the 2018 District Plan, there are sites which are suitable and available and it remains unclear why these opportunities have not been identified and included. The approach being taken does not appear reasonable. This includes our client's site, which is located to the southeast of Haywards Heath and is a suitable and available site for development.

- 1.1.12 As noted in previous representations, we consider the consideration of our client's site at Lunce's Hill (Ref. 1136) has not been undertaken in a clear and reasonable way, and as such, the Council has not sought to make the most effective use of land. This site has been dismissed on heritage grounds which given the evidence submitted, and the surrounding development, is not logical.

Qu. 35:

Is this strategy sufficiently clear to decision-makers, developers, and local communities as to where the majority of new development including infrastructure will be located? Is it consistent with the policies of the Plan?

- 1.1.13 No, for the reasons set out in our response to question 33. Notwithstanding the Key Diagram and Distribution of Development table there are no clear strategic policies that set out how the Council intends to achieve its development needs in line with the presumption in favour of sustainable development. This is required to ensure the plan is sound and has been prepared in line with the requirements of the NPPF (para. 23).

Qu. 36:

How were the settlements defined as different categories and how did the Council decide on the scale and level of growth attributed to the different areas/settlements in the Plan? Is this justified?

- 1.1.14 The District's Settlement Hierarchy is set out in Table 1. Whilst we cannot confirm how the settlements were defined, we consider it appropriate that Haywards Heath is defined as a Category 1 town, at the top of the settlement hierarchy. Haywards Heath, along with Burgess Hill and East Grinstead, provide a good range of services, employment opportunities, education, retail and leisure facilities, alongside good public transport provision.
- 1.1.15 The Council's spatial strategy includes a focus on these Category 1 settlements in the first instance which is a reasonable approach. Our client is broadly supportive of the overarching growth strategy which principally seeks to maximise the available land within the upper tier settlements. This follows the approach set out within the NPPF which seeks to directing development on locations which are, or can be, made sustainable (para. 109).
- 1.1.16 We agree that the supply of available land within many of the District's most sustainable towns and villages, including Haywards Heath, is now heavily depleted. However, it is not clear why the Council has not sought to include available and suitable sites within these Category 1 settlements in line with its spatial strategy. In particular, where the availability of suitable land for housing is severely depleted and/or constrained within a shared Housing Market Area as set out in our response to Matter 2: Duty to Cooperate.

Qu. 37:

How does the spatial strategy and the distribution of development relate to neighbouring settlements outside of the District such as Crawley to the north?

- 1.1.17 We consider the spatial strategy does not reflect settlements outside of the District. Whilst we do not seek to address Duty to Cooperate matters within this Statement¹, Local Planning Authorities are obliged to cooperate with each other on strategic matters to ensure a positively prepared and justified strategy. Our concern that some overarching strategic matters, including housing delivery, have not been properly considered in the formation of this Plan and accordingly the Plan is unsound.
- 1.1.18 For example, Lewes District, which lies immediately to the east of Mid-Sussex, and has a significant unmet housing need and poor housing delivery (around 3 years' supply). We would expect, given the proximity of Haywards Heath to Lewes District that the potential for cross-boundary sites in the strategic location southeast of Haywards Heath would be explored by both authorities in the preparation of both emerging Local Plans in order to reach an agreement as to how housing capacity might reasonably be maximised. This would include sites such as land at Lunce's Hill which is promoted by our client. This, or other similar options, have not been considered through the preparation of the Local Plan in terms of reasonable alternatives and assessment to inform the spatial strategy.

Qu. 38:

Is the strategy and distribution of development consistent with paragraph 105 of the Framework which states that the planning system should actively manage patterns of growth and focus significant development in locations which are, or can be made sustainable and paragraph 124 of the Framework which references the need to achieve appropriate densities so as to optimise the use of land in their area?

- 1.1.19 Para. 109 encourages the planning system to actively manage patterns of growth so significant development should be focused on locations which are, or can be, made sustainable. The Council ascertains that development is being focused in the top tier settlements as far as practical to do so, but it remains unclear why opportunities around Haywards Heath, which is the most sustainable settlement, have not been fully explored and maximised. Sites such as Lunce's Hill are suitable and available and should be included within the Plan and a development allocation.

Qu. 39:

How have the constraints within the District, such as the High Weald Area of Outstanding Natural Beauty and the setting of the South Downs' National Park influenced the strategy of the Plan?

- 1.1.20 No comment.

¹ Please see Hearing Statement on Matter 2: Duty to Cooperate

Qu. 40:

To what extent was the preferred combination of options 1 and 2 chosen on the basis of a justified and proportionate evidence base?

- 1.1.21 For reasons outline above, and in our Matter 1 submission, which we won't repeat for this question, we are concerned that the Council has not undertaken a thorough review of the evidence required to prepare a Local Plan and accordingly the approach and spatial strategy is unsound. This relates to the Council failing to consider all reasonable alternatives and not maximising opportunities for development around Haywards Heath, and in terms of meeting unmet need from adjoining authorities.

Qu. 41:

Does the spatial strategy look sufficiently further ahead, particularly in relation to larger developments that go beyond the Plan period, such as DPSC1: Land to the West of Burgess Hill/ North of Hurstpierpoint; DPSC2: Land at Crabtree Park and DPSC3: Land to the south of Reeds Lane, Sayers Common?

- 1.1.22 No comment.

Qu. 42:

What reasonable alternative options were considered as part of the Plan's preparation and why were they discounted?

- 1.1.23 The starting point for the MSDP Spatial Strategy was the spatial strategy identified within the adopted 2018 Plan i.e. focus development on the three principal towns: Burgess Hill, East Grinstead and Haywards Heath. This spatial strategy is reasonable, given these three towns sit at the top of the settlement hierarchy and are therefore sustainable settlements for future growth.
- 1.1.24 In the preparation of the new Local Plan, the Council has sought to determine whether this existing strategy is still relevant given any changes to local circumstances, and also whether the current strategy can be maintained given the extended plan period, future predicted needs and availability of sites.
- 1.1.25 In preparing the Plan, the Council concludes (page32) that "*there is limited growth potential at both East Grinstead and Haywards Heath*". It therefore needs to revise the 18 District Plan Strategy insofar as it relates to additional growth beyond that already planned for; and has prepared a strategy which identified further growth on four principles. One of which is "growth at existing sustainable settlements where it continues to be sustainable to do so".
- 1.1.26 Whilst we are not disputing this approach, we do not consider that the Council has justified why suitable, and deliverable sites on the edge of these settlements have not been included within the Plan and considered these properly; particularly in the context of assisting adjoining authorities in meeting their needs. For example, our Client's site at Lunce's Hill has the capacity to deliver 135 dwellings and is available in the short term. The site is promoted by Catesby Estates Ltd, a leading strategic site promoter which a track record in delivery.

- 1.1.27 The south of Haywards Heath has recently formed a reliable strategic location for sustainable residential growth, with high-quality new housing successfully delivered along Lunce's Hill southward and west from Rocky Lane to the north with further development east of Lunce's Hill recently securing a resolution to grant for a further 375 dwellings. In this context, the submission site forms a logically contained location for strategic scale development, unconstrained by strategic planning designations, situated immediately adjacent to the expanding settlement area of Haywards Heath and well-contained by existing and recently consented residential development, highway infrastructure and natural vegetation.
- 1.1.28 It is noted that the Sustainability Appraisal does look at an option where the existing spatial strategy is maintained and growth is focused on the main settlements (Option 1), along with Option 2 which continues to support growth in settlements and Option 4 (focusing growth on the three towns). However, we do not think the Council has fully explored the availability of land which would align with the most sustainable spatial option (i.e. land within and adjacent to Tier 1 settlements) to amount to a failure to ensure the Plan strategy is justified.

Qu. 43:

Are any main modifications necessary for soundness, if so, why?

- 1.1.29 Yes. We consider additional sites should be included within the Plan around the key settlements to ensure a sound spatial strategy.
- 1.1.30 The Regulation 19 representations make clear that the MSDC Site Assessment is inaccurate and therefore the site at Lunce's Hill should be allocated to complement the existing commitments and planned developments adjacent to it in the south eastern part of Haywards Heath. We suggest that main modifications are required to incorporate Land at Lunce's Hill, Haywards Heath within the Category 1 settlement housing allocations. This will be particularly important given that it is likely that there will be unfulfilled housing requirements from other authorities including Lewes District.