



Representation to the Examination of the Mid Sussex District Plan

2021-2040 - Matter 1

DMH Stallard LLP on behalf of Riverdale

Land South of Henfield Road, Sayers Common

February 2026

Introduction

This representation is submitted on behalf of Riverdale in response to the Matters and Issues ("IDJB-05") raised by Inspector Jonathan Bore for the examination of the Mid Sussex District Plan 2021-2040 ("the DP"). This representation responds to the Inspector's Matter 1 questions and addresses the soundness of the Plan as proposed to be modified by the Council, with particular reference to the additional housing provision set out in Topic Paper 2 (MS-TP2); the requirements of the National Planning Policy Framework (December 2023) ("NPPF 2023") under which this plan is being examined; and the transitional provisions of the 2024 NPPF.

Riverdale acknowledges the Council's historic delivery record and its proactive approach to plan-making. However, notwithstanding these positive attributes, certain aspects of the Council's housing requirement methodology require further scrutiny to ensure the Plan is sound, robust, and capable of maintaining a rolling five-year supply throughout its lifetime.

Riverdale does not consider that the proposed housing requirement makes sufficient provision for housing and, as such, the DP is currently unsound. This is for the following core reasons, which reflect the Inspector's Matters and Issues at (a)-(d):

- a) Whilst the proposed housing requirement meets local housing need under the 2023 method (18,981 units), attributing 1,693 units to neighbouring Crawley's need means Mid Sussex's credited requirement covers only 73.56% of the 2024 method figure (25,802 units). This falls short of the 80% threshold required to avoid triggering an immediate obligation to commence work on a new plan.
- b) The Council's approach to unmet needs is unsound;
- c) Affordable housing needs would not be met by the current housing requirement; and
- d) The stepped trajectory is indicative of a need to find additional allocations

Matter 1: The Housing Requirement

Whether the plan's housing requirement makes sufficient provision for new homes

(a) Local Housing Need

The DP is being examined under the transitional arrangements set out in paragraphs 234 and 235 of the December 2024 National Planning Policy Framework ("NPPF 2024"), which includes the pre-December 2024 standard method for calculating local housing need. Accordingly, the relevant policies for the purposes of the examination are those in the NPPF 2023.

Riverdale does not consider that the proposed housing requirement makes sufficient provision for housing and, as such, the DP is currently unsound.

The Relationship Between the DP's Requirement and the 80% Threshold

Paragraph 236 of the December 2024 NPPF introduces a threshold test which, if not met, would require the Council to begin work on a new plan immediately upon adoption. Accordingly, it is necessary to consider how the housing requirement in the Plan relates to this 80% threshold.

Paragraph 236 of the December 2024 NPPF provides that if the housing requirement in the plan to be adopted meets less than 80% of local housing need, the local planning authority will be expected to begin work on a new plan under the revised plan-making system in order to address the shortfall in housing need.

Although exceeding the 80% threshold is not said to be a requirement for soundness in the NPPF 2023, because it is set out in the transitional provisions in the NPPF 2024, in reality it would be surprising for an Inspector to recommend adoption of a plan that needed to be reviewed on Day 1 because it gave rise to a shortfall in housing need in terms of this metric. If a transitional plan failed to meet the 80% threshold, it could not be regarded as "*effective*", and would be unsound as a result, since it would be bound to be reviewed and replaced by a new plan in short order.

The Council's current position is that if the words "*housing requirement in the plan to be adopted*" in paragraph 236 means the proposed housing requirement in the DP including unmet need, then the 80% threshold would be met by only 0.1%.

However, read in its context, paragraph 236 is inviting a comparison to be made between:



- the requirement in an emerging local plan for its own area (including any headroom or contingency for that area); and
- the December 2024 Standard Method-derived Local Housing Need for that authority's area.

In that context, the DP's contribution towards Crawley's unmet needs falls to be disregarded when it comes to applying paragraph 236. On that basis, the DP would only meet 73.56% of the Council's December 2024 Standard Method-derived Local Housing Need, and the 80% threshold would not be met.

The Inspector will be aware that paragraph 236 of the December 2024 NPPF creates a binary outcome: either the Plan meets 80% of LHN and has longevity, or it does not and must be immediately reviewed¹. The Council's current proposal exceeds this threshold by only 0.1%. This margin is so fine that:

- any subsequent reduction in supply (for example, if a single allocation of 100+ dwellings falls away) could cause the Plan to drop below 80%;
- there is a credible argument that unmet need contributions should be excluded from the calculation, which would result in only 73.6% being achieved; and
- a recommendation to adopt a Plan with such a narrow margin would create uncertainty about the Plan's long-term effectiveness and may necessitate immediate review, contrary to the interests of all parties seeking planning certainty in Mid Sussex.

It is respectfully submitted that the prudent course is to ensure the Plan clearly exceeds 80% with sufficient margin to absorb any reasonable reduction in supply, thereby providing certainty and avoiding the need for immediate review. Supply and headroom are addressed under Matter 2.

¹ Riverdale submits that the Inspector and the Council will want to ensure that the DP is relatively well insulated from legal challenge, and in this context the Inspector should instruct the Council to increase the DP requirement for its area to a level that is clearly greater than 80% of the 2024 Standard Method-derived Local Housing Need. That would render the DP sound, future proof, and well insulated from legal challenge.

(b) Unmet Need from Neighbouring Authorities and Its Effect on the Plan's Housing Requirement

The Inspector's Initial Letter at Annex 3 indicates that the DP should "*seek, as far as is reasonably possible, to respond to the declared unmet housing need*" and "*to make an allowance based on a reasonable proportion of [the declared unmet needs of] Crawley*" but without ignoring the unmet needs of other authorities².

The Council proposes to meet only 22% of Crawley's declared unmet needs, representing 1,693 dwellings. This contribution does not appear to be based on any evidence or judgment relating to the extent to which it would be reasonable in planning terms to accommodate more having regard to paragraph 35(a) of the NPPF 2023. The 22% figure appears to have been selected simply to exceed, by 0.1%, the 80% threshold in paragraph 236 of the December 2024 NPPF, rather than on the basis of any analysis regarding how much need could in fact practically and reasonably be accommodated in the Council's area. This approach fails to accord with the NPPF's expectation that unmet need to be addressed as far as possible. It is unsound, therefore.

The Inspector's request for some work and evidence before a judgment can be reached about what is in fact reasonable and possible has not been met and the DP is unsound as a result: it is not based on evidence. MS-TP2 does not contain any qualitative analysis of how much of the declared unmet need could reasonably be met within the Council's area, let alone how much of it could be met "*as far as is reasonably possible*". That question simply has not been considered anywhere by the Council. In the Inspector's Report 12 March 2018 into the Mid Sussex District Plan 2014-2031, the Inspector, at paragraphs 21-23 directed over half of the unmet need across the North West Sussex HMA (Horsham, Crawley and Mid Sussex) to be added to the housing requirement for Mid Sussex (just under half the unmet need had been added to Horsham's plan).

Furthermore, the Council's approach has ignored the declared unmet needs of other relevant authorities:

² Paragraph 35(a) of the NPPF 2023 states that one of the requirements of soundness, specifically the need for a plan to be "*positively prepared*", is that "*unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development*".

Horsham District Council:

The Council's Topic Paper 1: Updates Since Submission, dated January 2026, ("MS-TP1") paragraph 1.13 states that Horsham can now accommodate its own Local Housing Need and refers to correspondence to that effect. However, that correspondence is clear at paragraph 4 that Horsham DC has experienced "*four years of water neutrality with limited permissions*" and can in reality only start delivering significant housing in the mid to late part of the plan period. The DP therefore presents an important opportunity to deliver sites in the short term that will respond to the pressures, which exist now, created by historical water neutrality constraints in Horsham which is in the same HMA as the Council.

Coastal West Sussex Housing Market Area:

MS-TP2 paragraph 3.29 states that "*Whilst the Council is cognisant of Brighton and Hove's significant unmet need, it agrees with the Inspector's considerations in Annex 3 of IDJB-01 whereby Crawley is of immediate relevance*". There is nothing in the Initial Letter that indicates the Inspector does not consider that the DP should make any contribution towards meeting Brighton's declared unmet needs or the declared unmet needs of other authorities within the Priority 2 Coastal West Sussex Housing Market Area. This is despite the Inspector's clear indications at the last plan examination (paragraph 25 of the Inspector's Report 12 March 2018) that work was needed regarding the coastal authorities. It has never been done, save that the coastal authorities are identified as a Priority 2 HMA now, and yet the Council has still failed to undertake any qualitative or quantitative analysis about the extent to which it would be reasonable to meet some of that unmet need.

Riverdale submits that the Inspector should, in order to make the DP sound, instruct the Council to make a reasonable, numerically specified contribution towards the declared unmet needs of its neighbouring areas, which include authorities other than Crawley and Horsham. In an environment where the duty to cooperate has been removed, the Inspector has a corresponding responsibility to ensure that there is a mechanism to meet unmet needs wherever that is possible, as the NPPF 2023 clearly states.

Riverdale submits that the Council should be required to:

- meet a higher percentage (at least 50%) of Crawley's declared unmet needs i.e. minimum 3,753 units, recognising that the only other two authorities in the North West Sussex HMA are Mid Sussex and Horsham; particularly given the absence of

evidence as to harm that would be caused as a result; and, cognisant that Horsham has historic water neutrality issues causing shortfall in delivery;

- meet some component of historic unmet need within Horsham (200 units);
- meet an identified proportion of the Council's other neighbours' declared unmet needs, even if it is a low percentage, for example 5% of Brighton's unmet needs, i.e. approximately 1,750 units.

(c) Whether the Housing Requirement Needs to be Uplifted to Meet Any Other Need Such as That for Affordable Housing

The Council's evidence base (SHMA Update [H6]) identifies an annual need for 383 affordable rented homes. At a 30% affordable housing requirement, the Plan would need to deliver approximately 1,277 market dwellings per annum simply to meet affordable housing need through planning gain; significantly above the proposed requirement of 1,088 dpa. This calculation does not discount for the impact of small sites (less than 10 or less than 6 in Protected Landscape) that would not deliver affordable housing. So, the true housing requirement figure to meet in full affordable housing needs would be much higher.

This provides independent justification for an uplift in the housing requirement to boost affordable housing delivery, consistent with PPG and NPPF 2023 paragraph 63.

(d) Whether a Stepped Requirement is Appropriate

Even with a stepped trajectory in place, there is predicted to be a shortfall in five-year housing land supply by 2034/35 (Year 10) of 4.77 years, as shown in MS-TP2 Table 20. This outcome does not fully accord with national policy expectations as set out in the NPPF 2023, which requires there to be a five-year supply of housing plus the relevant buffer.

Riverdale submits that even if the Inspector is not minded to increase the DP's housing requirement, the Council should still be instructed to increase the number of allocations in the DP. This would give rise to more certainty that the objective in national policy of a continuous supply of housing land enough to provide five years' worth against the adopted requirement, plus a buffer, can be maintained throughout the DP period, which is essential for soundness.

It is evident from the Council's suggestion that a stepped trajectory be adopted that the sooner in the plan period the step-up occurs, the sooner the deficit will arise. This is a clear

indicator that additional sites capable of delivering earlier in the plan period should be allocated.

The Council's justification for a stepped trajectory at MS-TP2 paragraphs 4.5-4.7 is not satisfactory:

First, at paragraph 4.5, the Council appears to suggest that the delay in the examination has pushed lead-in times out because uncertainty has meant that developers are bringing forward DP sites more slowly due to residual planning risk absent a final allocation. It is not clear why this justifies a stepped trajectory.

Second, at paragraph 4.6, longer lead-in times for strategic sites may be capable of being a sound justification for a stepped trajectory, provided it is based on reasonable evidence about likely lead-in times. However, if the strategic sites in Sayers Common will start delivering earlier than 2031/32, that would be a good reason to bring the step-up forward.

Third, at paragraph 4.7, regarding Crawley's land supply, it is unclear what relevance the position in Crawley has to whether the Council can justify a stepped trajectory in this case.

Critically, if the DP included a uniform, rather than a stepped, trajectory, there would not be a five-year supply on adoption. This can be seen in the tables below.

Component	Figure
Total housing requirement (2021-2040)	20,674 dwellings
Less: Completions 2021/22-2024/25	4,324 dwellings
Remaining requirement (2025/26-2039/40)	16,350 dwellings
Remaining plan period	15 years
Flat annual requirement	1,090 dpa

Component	Stepped Trajectory (999 dpa)	Flat Trajectory (1,090 dpa)
Annual requirement (Years 1-5)	999 dpa	1,090 dpa
Five-year requirement	4,995 dwellings	5,450 dwellings
5% buffer	250 dwellings	273 dwellings
Total five-year requirement	5,245 dwellings	5,723 dwellings

Source	Dwellings
'A' List Sites (small sites 5-9 units)	80
Small sites with planning permission (1-4 units)	144
Major sites (10+ units) with detailed permission	2,422
'B' List Sites: Outline permission for major development	880
Allocated sites with planning application submitted	678
Allocated sites in Development Plan with no application	98
Draft District Plan allocations with planning permission	489
Draft District Plan allocations with application pending	252
Draft District Plan allocations with no application submitted	431
Windfall allowance	158
Total	5,632

Flat Trajectory Calculation	Result
Total housing supply (Years 1-5)	5,632 dwellings
Total five-year requirement (1,090 × 5 + 5% buffer)	5,723 dwellings
Supply shortfall	-91 dwellings
Five-year land supply	4.92 years

This means that however the trajectory is configured, there is either a five-year housing land supply shortfall soon after the step-up is introduced, or at the outset in the uniform scenario. Both of these outcomes are important indicators that the Council has, unarguably, failed to allocate sufficient sites, regardless of what the housing requirement is.

Riverdale submits that if the Inspector is minded to allow the Council the stepped trajectory approach, in order that the Council can demonstrate a five-year housing land supply on adoption and not go straight into the presumption in favour of sustainable development under paragraph 11(d) the day after adoption, the quid pro quo is that the Council should be instructed to find more allocations and to present them as main modifications. This would give a greater degree of confidence that the Council will be able to survive the step-up point without going into five-year housing land supply deficit at or soon after that point.

In other words, if the Council is permitted to rely on the stepped trajectory, it should be required to demonstrate that it can actually handle the consequences of the step-up, and it can only do that by finding additional allocations.

Conclusion

The Plan does not currently make sufficient provision for housing and is unsound in the respects identified above. The Council's approach to local housing needs, unmet needs, and the stepped trajectory all indicate that additional allocations are required to achieve soundness.

Riverdale submits that the Inspector should instruct the Council to bring forward additional allocations by way of main modifications. In identifying suitable additional allocations, the Inspector may wish to have regard to sites that are capable of early delivery, are well-related to existing strategic allocations, and can contribute towards infrastructure required to de-risk delivery of those allocations. Such sites would directly address the concerns identified above regarding the stepped trajectory and headroom deficiency.

Riverdale would draw the Inspector's attention to the Regulation 18 DP draft allocation policy wording for DPSC3, which stated that "*opportunities to improve connectivity and master planning between the eastern and western parcels of the site, by inclusion of further land parcels on the southern boundary, should be investigated*".

This is precisely referring to Land South of Henfield Road, Sayers Common ("the Site"), which is contiguous on three sides with draft allocation DPSC3: Land to the South of Reeds Lane. These land parcels were expressly identified by the Council as having potential at Regulation 18 stage. This work contemplated by the Council was not undertaken, notwithstanding that the land parcels would relate well to DPSC3 in precisely the manner the Regulation 18 draft envisaged. The land parcels were rejected in the SHELAA (ref 1124) at Stage 2(b) on the basis of its distance from the nearest settlement, without any consideration of its relationship to DPSC3.

Accordingly, allocating these land parcels would not be promoting an 'omission site' but rather completing an allocation process the Council itself commenced. The Inspector is respectfully invited to regard these land parcels as falling within the scope of main modifications to the submitted Plan rather than as a new omission site requiring separate consideration. These land parcels represent an optimal allocation given:

- their express identification at Regulation 18 stage as having potential for integration with the strategic expansion of Sayers Common;
- their contiguity with DPSC3 and its ability to connect the eastern and western parcels of that allocation (see Figure 1 below);
- their deliverability, with a planning application envisaged for submission in September 2026;
- their capacity to contribute towards the infrastructure required at DPSC3 and thereby de-risk the delivery of those strategic allocations; and
- The comprehensive technical work that has already been undertaken and ongoing pre-application work with the Council in respect of the Site.



Figure 1: Site's contiguity with DPSC3

In the alternative, and without prejudice to the submissions above, if the Inspector is not minded to consider specific additional allocations at this stage, Riverdale respectfully invites the Inspector to direct the Council to:



DMH Stallard

- Undertake a focused, time-limited review of sites capable of early delivery (years 1-5) as part of main modifications, with particular emphasis on sites that are contiguous with or well-related to existing strategic allocations;
- Apply selection criteria that prioritise deliverability, infrastructure synergies with strategic allocations, and the ability to contribute towards maintaining a rolling five-year supply; and
- Consult on any resulting proposed modifications within a defined timescale so as not to unduly delay adoption of the Plan.

This approach would balance the Inspector's reluctance to consider omission sites generally with the soundness imperative that the Plan be capable of maintaining a rolling five-year supply throughout its lifetime.