

**Examination Statement
Matter 6 – Housing**

Mid Sussex District Plan

Representations on behalf of Crest Nicholson

30 September 2024

Lucid
Planning

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1. Introduction

- 1.1 This Statement has been prepared by Lucid Planning on behalf of our Client, Crest Nicholson, who has an interest in the land to the north of Old Wickham Lane, Haywards Heath (SHELAA Ref 988). This Statement is prepared in response to the Inspectors' Matters, Issues and Questions.
- 1.2 Representations have been made on behalf of our Client throughout the production of the emerging Local Plan and these representations expand upon earlier representations. While efforts have been made not to duplicate the content of previous representations, this Statement draws on previous responses where necessary.
- 1.3 These representations have been prepared in recognition of prevailing planning policy and guidance, particularly the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
- 1.4 These representations respond to the Inspectors' MIQs but does not respond to all questions raised under this Matter but focuses on those questions of particular relevance to our Client's interests.
- 1.5 These representations have been considered in the context of the relevant NPPF that the District Plan is being examined under - NPPF September 2023 - and tests of 'soundness' as set out at paragraph 35 of that NPPF. This requires that a Local Plan be:
- **Positively Prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** – 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; and
- **Consistent with National Policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework.

2. Response to Matter 6 - Housing

Issue 1: Whether the Council’s approach to calculating its full, objectively assessed needs and housing requirement is justified, based on up-to-date and reliable evidence, effective, positively prepared, and consistent with national policy?

Housing Requirement

Question 67. Is a minimum housing requirement of 19,620 justified and consistent with national policy? What is the status of the 996 dwellings referenced within the table in Policy DPH1 as total under/over supply for resilience and unmet need? Should this figure be included within the annual housing requirement for the district?

Question 68. Are there other considerations that are likely to drive an increase in the homes needed locally, such as any needs that cannot be met within neighbouring areas namely the 30,000 dwellings of unmet need identified up to 2050 in the Coastal West Sussex and Greater Brighton authorities, Housing Need and Requirement Topic Paper (HNRTP) (H5), and the more immediate housing needs of Crawley, Brighton and Horsham?

2.1 Crest Nicholson supports both the Council’s use of the Standard Methodology as a starting point to calculate the minimum local housing need in the district and extending the Plan period to 2040 to be NPPF compliant. With updates, this has resulted in the Council needing to deliver 1039 new homes per annum resulting in the overall need being 19,741 new homes between 2021-2040.

2.2 Paragraph 3.9 of document H4 Housing Supply and Trajectory Topic Paper confirms that the total supply for the Plan period is 20,783 new homes, resulting in an additional 1,042 which in the Council’s opinion will “*provide some resilience for the District Plan and a contribution to the North West Sussex HMA unmet need.*” (para 8.1 of document H4 Housing supply and Trajectory Topic Paper).

2.3 However, this additional number of houses has come forward from an assessment of sites. It has been derived:

- without any sustainable spatial strategy for Mid Sussex
- without addressing the Duty to Cooperate with neighbouring authorities to constructively and actively prepare a strategy to address the 40,000 unmet need for new homes
- without fully considering submitted evidence as set out in the Council's own Site Selection Methodology.

2.4 As such, the total number of new homes being proposed by Mid Sussex is woefully inadequate and the Plan is therefore not sound.

2.5 As set out in more detail in Crest's Examination Statement on Matter 2 – Duty to Cooperate, it is not enough to just acknowledge there is a significant unmet need of new homes in neighbouring authorities and then merely look to address its own need with a relatively small number of additional dwellings being found from the site selection process.

2.6 The residents of Mid Sussex and the wider HMAs deserve a more cohesive, collaborative and strategic Plan that more comprehensively addresses the unmet need in Brighton and Hove DC and the Coastal West Sussex authorities as well as those in North West Sussex.

2.7 Not addressing these issues only serves to exacerbate the housing crisis in Brighton and Hove and the other Coastal West Sussex authorities. It is the responsibility of Mid Sussex DC to not just acknowledge there is a need but to actively and constructively work with its neighbours to find solutions for this significant unmet need. Only by doing this can this

District Plan be considered to have planned positively and be effective and justified.

2.8 Mid Sussex's approach of starting from the bare minimum of meeting its own need and then restricting any surplus to one HMA is a fundamental flaw in the soundness of the Mid Sussex District Plan as the Plan cannot be considered to be positively prepared, justified, effective or consistent with national policy.

2.9 As set out in Crest's Examination Statement on Matter 2 – Duty to Cooperate, it may be that given the extraordinary level of unmet need, particularly in Coastal West Sussex and Brighton and Hove DC, that this District Plan should be paused for a short, finite amount of time (similarly to the process set out in the Reforms) to enable Mid Sussex DC to:

- consider reasonable alternatives in its Sustainability Appraisal that actively address the current known unmet need of its neighbouring authorities
- reconsider its spatial strategy to optimise sustainable development, the 20-minute neighbourhood and active travel by focussing on all three of its Category 1 towns, not just Burgess Hill as well as providing for appropriately sized development in other settlements and allowing for smaller sites
- revisit the sites considered in the Site Section where site layouts and mitigation have been submitted and evidenced to provide more deliverable housing sites.

2.10 Alternatively, if this cannot be done within a reasonable timeframe (six months is suggested) the District Plan should be found unsound and the work set out in paragraph 2.30 above undertaken under the new plan-making system proposed by the Government. This would ensure plans are fully evidenced and prepared with neighbouring authorities to meet

unmet housing need and '*capable of being found sound*' prior to submission.

Question 69. If so, are there any policies within the Framework that protect areas or assets of particular importance that provide a strong reason for restricting the overall scale, type or distribution of housing, within the plan area; or would any adverse impacts of meeting the Council's OAN and the unmet needs of others significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole?

2.11 The Sustainability Appraisal considered growth for this plan period based on four principles:

- Protection of designated landscape (e.g., AONB now National Landscape).
- Making effective use of land.
- Growth at existing sustainable settlements where it is considered to be sustainable to do so.
- Opportunities for extensions, to improve sustainability of existing settlements that are currently less sustainable.

2.12 In terms of spatial options, five options were set out in paragraph 4.2.3 of DP7 the Sustainability Appraisal "*to reflect alternative strategies for delivery of growth and meeting housing need*":

2.13 **No reasonable alternative strategies were considered to test alternative growth options**, however, to meet some or all of unmet need from neighbouring authorities. This is a fundamental flaw in the District Plan and as such it cannot be considered to be positively prepared, justified, effective or consistent with national policy.

2.14 In effect the Council went straight to assessing individual sites as reasonable alternatives.

- 2.15 As such, no strategic/macro consideration was given to meeting some or all of the significant unmet need within the context of the planning **constraints and opportunities of the district as a whole** and how that unmet need might relate to the high order sustainable settlements, such as Haywards Heath, and the geography of need, particularly in regard to the southern authorities of Brighton and Hove and Coastal West Sussex authorities.
- 2.16 It seems a significant ‘big picture’ step was missed during the earlier stages of Plan preparation which is a fundamental flaw in the District Plan and as it cannot be considered to be positively prepared, justified, effective or consistent with national policy.
- 2.17 Further, the Council seemed to have dismissed Options and sites at two of its three largest towns. Haywards Heath, East Grinstead and Burgess Hill are Category 1 Towns, the highest category in the settlement hierarchy in Mid Sussex. They appear, to one degree or another in Options 1, 4 and Option 5 of the SA.
- 2.18 Despite a number of acknowledgments (e.g. Page 122 of the SA) that focussing development in the three towns would likely lead to a significant positive impact on economic growth and regeneration in the three towns and would have a likely major positive impact on objectives for health and wellbeing, education, community and crime, climate change, and transport (as well as contributing to the creation of 20 minute Neighbourhood’s – one of the Plan’s main Sustainable Development objectives) – Option 2 (growth in smaller settlements) was preferred.
- 2.19 Further, development has been severely restricted in Haywards Heath (and East Grinstead) without strategic consideration, reasoning or

evidence. This makes no sense in spatial planning or sustainable development terms.

- 2.20 Haywards Heath is a highly sustainable town with a rail station, education and health facilities that is well located to serve the south of the district and the towns in Coastal West Sussex. It is outside of the High Weald AONB/National Landscape and outside the South Downs National Park but is located within both the North West Sussex and Brighton and East Sussex HMA and FEMA.
- 2.21 It is the Council's responsibility, in accordance with the aims and objectives of the Local Plan to deliver sustainable development. The hierarchy of movement, which seeks to ensure that people walk or cycle, then use public transport and only where such opportunities do not exist fall back on car travel, is key to achieving sustainable development. Given the disproportionate lack of land allocated for housing in the most sustainable settlements such as Haywards Heath, by definition the Council's preferred spatial strategy cannot make the effective or efficient use of land. To make effective use of land would be to optimise the use of existing services, facilities and infrastructure in the larger settlements, to optimise active travel and 20-minute neighbourhoods as well as improving services, facilities and infrastructure in the most cost-effective way.
- 2.22 Locations such as the land at Old Wickham lane, Haywards Heath offer an obvious opportunity to allocate sustainable housing sites. As such, the scale and level of growth in the District Plan cannot be considered to be planned positively, effectively or justified.
- 2.23 Although not a matter for this examination, the Government's Planning Reforms, if/when enacted, provide an opportunity to make it easier for authorities to plan collectively/collaboratively for housing need in their

wider area, and not just within their administrative boundary. With a more outward-looking approach to strategic planning, it will make it easier for authorities to address the housing needs of residents in the wider area. This collaborative approach should be welcomed by Mid Sussex and its neighbours to properly and strategically plan for the residents in the HMAs and to address the ever increasing unmet need, and to provide the infrastructure for it.

- 2.24 As set out in paragraph 2.9 and 2.10 above, it may be appropriate for this District Plan to be paused for a short, finite amount of time, or if not possible restarted, to enable Mid Sussex DC to consider reasonable alternatives for growth to meet some or all of the unmet need and reconsider its spatial strategy from a whole authority strategic perspective, prior to considering individual sites.