

# Lewis & Co Planning

town planning consultants

## **MID SUSSEX DISTRICT PLAN 2021 - 2039**

**MATTER 3: VISION, OBJECTIVES AND SPATIAL  
STRATEGY**

**ON BEHALF OF VISTRY GROUP**

SITE: LAND AT MALTHOUSE LANE, BURGESS HILL

SITE REF: 1105/710

RESPONDENT REF: 1191618/1191628

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## INTRODUCTION AND SUMMARY

- 1.1 This Matter Statement has been prepared on behalf of Vistry Group who are promoting Land at Malthouse Lane, Burgess Hill (SHELAA ID: 1105) for a major residential-led development comprised of a new neighbourhood of 750 homes. The eastern parcel of the site (Maltings Farm Livery) is also being promoted in isolation for a development of 360 new homes (SHELAA ID: 710).
- 1.2 These Hearing Matter Statements submitted on behalf of Vistry Group individually address select questions under each Matter to be considered at Hearings beginning on 22<sup>nd</sup> October 2024. These Matters broadly align with relevant sections within our Regulation 19 responses (references 1191618 and 1191628).
- 1.3 It is Vistry Group's position that:
- The Plan has not been *justified* as the spatial strategy does not seek to address the main strategic planning issues affecting the district in accordance with national policy requirements and has not adequately been informed by the evidence base;
  - The Plan has not been *positively prepared* and is not *effective*, as the Council have made no meaningful efforts to reach agreement with neighbouring areas to assist with their unmet needs (even where these neighbouring authorities have made specific requests of this nature) and does not propose a spatial strategy for the distribution of housing required;
  - The Plan is not *consistent with national policy* as effective co-operation has not occurred in accordance with paragraphs 24 – 27 and 11 (b) of the Framework
- 1.4 We consider these to be significant shortcomings that render the Plan unsound in its current form as relevant tests of soundness have not been met.

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## MATTER 3: VISION, OBJECTIVES AND SPATIAL STRATEGY

**ISSUE 1: Whether the Spatial Vision and Objectives for Mid Sussex Council are justified, effective, consistent with national policy and positively prepared?**

- 2.1 This statement provides written responses to questions 30, 31, 32, 33, 36, 38, 42 and 43.

*Question 30: Does the Spatial Vision for the 2018 District Plan remain relevant?*

- 2.2 The submission Plan states that the spatial strategy for the currently adopted District Plan (2018) was centred around the principle of delivering new development in the District's towns. However, this is not reflected within the adopted Plan itself which sought to deliver large-scale strategic development around Burgess Hill (3,980 new homes) alongside allocations within the villages of Pease Pottage (600 new homes) and Hassocks (500 new homes). No allocations were identified in either of the towns of East Grinstead or Haywards Heath within the Plan.
- 2.3 It is not clear from the document why an updated District Plan Strategy is now proposed through the review process, on what basis the villages of Copthorne and Sayers Common have now been identified as locations with 'High Growth Potential' or why the District's towns have now been given a lower priority for growth.
- 2.4 The District Plan (2018) strategy is still being implemented and many of the large-scale allocations are still being delivered. There is therefore an opportunity through the District Plan Review process for the Council to build on this strategy and ensure that it's aims and objectives are met. Any change from this strategy should be clearly justified and evidenced. The 2018 District Plan strategy therefore remains relevant to the District Plan 2021 – 2039.

*Question 31. Are the Plan objectives which have been identified relevant; justified; and consistent with National Policy?*

- 2.5 Although the Plan objectives broadly reflect those within the District Plan (2018), these objectives differ from the sustainability objectives within the Sustainability Appraisal, which also differ from the 17 Sustainable Development Goals referenced within Chapter 3 of the submission District Plan. It is not clear why these alternative sets of objectives have been referenced, particularly as many address overlapping issues.

*Question 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?*

- 2.6 It will clearly not be realistic for the Plan to provide “a minimum 15 year period from adoption” as required under Paragraph 22 of the NPPF, based on its current progress. The Plan period will therefore need to be extended, and additional sites will need to be considered to ensure that the additional development needs of the district will be met over this extended period.

**ISSUE 2: Whether the Spatial Strategy is justified, positively prepared, effective, and consistent with national policy?**

*Question 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?*

- 2.7 The four principles identified within the submission District Plan Review document have been identified by the District Council as the priorities for the District since

Regulation 18 stage and have not been revised during the course of the Plan-making process.

- 2.8 It is not clear or transparent how these objectives have been informed by objective evidence or public consultation, and the four principles are not referenced within the Sustainability Appraisal that accompanied the Plan at Regulation 18 stage. However, these four principles appear underpin the entire spatial strategy for the document and have clearly influenced the decisions made in respect of site allocations and planning policies.
- 2.9 It is our view that the overarching strategy should have been based on a transparent appraisal of the adopted District Plan strategy and explanation of why this strategy should be maintained or otherwise, as well as an updated and detailed consideration of the ability of the Council to contribute towards a sub-regional response to the unmet needs of neighbouring authorities. This approach was endorsed by the Council within Policy DP5 (Planning to Meet Future Housing Need) of the adopted District Plan (2018).
- 2.10 Chapter 6 of the submission District Plan provides details on How and Why these four principles will be used, but this section makes no reference to the Council's own evidence base or the reasoning behind this approach.

*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?*

- 2.11 The approach appears to be based on a settlement hierarchy that does not appear to have been updated since the Settlement Sustainability Review dating back to March 2015. It is not clear how the categorisation of settlements has informed the spatial strategy and distribution of development or why the villages of Copthorne and Sayers Common have now been identified as locations with 'High Growth Potential'.

*Question 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?*

- 2.12 The District Plan has not evolved in response to the submission of additional sites or evidence that demonstrates that omission sites can be developed without adverse impacts. As a result, the Plan continues to promote growth in locations that are not considered to be more sustainable by reference to the Council's own Settlement Hierarchy. This includes the delivery of 2,478 new homes at the Category 3 settlements of Albourne and Sayers Common, and the omission of sites at Category 1 settlements that are considered to be a "sustainable option for allocation" and could deliver an estimated 1,550 new homes within the District's towns.

*Question 42: What reasonable alternative options were considered as part of the Plan's preparation and why were they discounted?*

- 2.13 The Sustainability Appraisal only considers five main spatial options for delivering growth. Appendix A of the Sustainability Appraisal shows that options 4 (focusing development in the three Category One settlements) and 5 (prioritising development on brownfield land) were rejected due to the lack of available sites to deliver the District's housing needs in full<sup>1</sup>.
- 2.14 However, these Options 4 and 5 scored significantly higher against the identified sustainability objectives than Option 2 (the option taken forward as the spatial strategy for the Plan). The two options were shown to achieve better sustainability outcomes against nearly all objectives including health and wellbeing, education, community and crime, flood and surface water, natural resources, biodiversity and geodiversity, landscape, climate change and transport, energy and waste, economic regeneration and economic growth.
- 2.15 Despite this, sites within the Site Selection Paper that aligned with these options were omitted from inclusion within the District Plan 2021 – 2039, including sites at

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<sup>1</sup> Appendix A - Appraisal of Spatial Options in the Mid Sussex District Plan Review 2021 – 2039, Mid Sussex District Plan (Regulation 19) Sustainability Appraisal (November 2023)



the towns of Burgess Hill and Haywards Heath that were assessed as sustainable options for allocation and could have delivered 1,550 more homes.

- 2.16 At a minimum the Council should have assessed any blended options that would have maximised delivery within locations that scored highest against the sustainability objectives (i.e. the District's most sustainable settlements and brownfield land). The lack of suitable sites could have been subject to further scrutiny and/or supplemented with additional sites that would deliver on the Option 2 strategy of delivering new services in less sustainable settlements.

*Question 43. Are any main modifications necessary for soundness, if so, why?*

- 2.17 The unmet needs of neighbouring authorities, public consultation exercises and submissions of additional omission sites have clearly not been objectively assessed by the District Council and have not meaningfully shaped the spatial strategy for the District.
- 2.18 We therefore consider that the overarching District Plan review strategy should be revisited with the express purpose of seeking to contribute towards the unmet housing needs of Brighton and Hove and other neighbours and to identify the most sustainable strategy for district. The sites rejected at Stage Three of the site selection process should be reconsidered against the criteria under paragraph 11 (b) of the NPPF on this basis.