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MID SUSSEX DISTRICT PLAN EXAMINATION

Hearing Statement: Matter 1

CLIENT: Catesby Strategic Land

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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.