



Hearing Statement – Matter 2: Duty to Co-operate

Mid Sussex District Council – Examination in Public

Prepared on behalf of Miller Homes Ltd

Prepared by:

SLR Consulting Limited

Mountbatten House, 1 Grosvenor Square,
Southampton SO15 2JU

SLR Project No.: 433.000082.00001

19 September 2024

Revision: 01

Revision Record

| Revision | Date | Prepared By | Checked By | Authorised By |
|----------|-------------------|-------------|------------|---------------|
| 00 | 16 September 2024 | AM | NB | NB |
| 01 | 19 September 2024 | AM | NB | NB |

Basis of Report

This document has been prepared by SLR Consulting Limited (SLR) with reasonable skill, care and diligence, and taking account of the timescales and resources devoted to it by agreement with Miller Homes Ltd (the Client) as part or all of the services it has been appointed by the Client to carry out. It is subject to the terms and conditions of that appointment.

SLR shall not be liable for the use of or reliance on any information, advice, recommendations and opinions in this document for any purpose by any person other than the Client. Reliance may be granted to a third party only in the event that SLR and the third party have executed a reliance agreement or collateral warranty.

Information reported herein may be based on the interpretation of public domain data collected by SLR, and/or information supplied by the Client and/or its other advisors and associates. These data have been accepted in good faith as being accurate and valid.

The copyright and intellectual property in all drawings, reports, specifications, bills of quantities, calculations and other information set out in this report remain vested in SLR unless the terms of appointment state otherwise.

This document may contain information of a specialised and/or highly technical nature and the Client is advised to seek clarification on any elements which may be unclear to it.

Information, advice, recommendations and opinions in this document should only be relied upon in the context of the whole document and any documents referenced explicitly herein and should then only be used within the context of the appointment.



Table of Contents

| | |
|-------------------------------------|----------|
| Basis of Report | i |
| 1.0 Introduction | 1 |
| 2.0 Duty to Co-operate | 2 |

Appendices

Appendix A Colwell Farm, Haywards Heath: Site Location Plan



1.0 Introduction

- 1.1 This statement has been prepared by SLR Consulting Ltd on behalf of Miller Homes Ltd in respect of the Mid Sussex District Plan (2021 – 2039) Examination in Public. The Statement focuses on questions raised by the Inspector in their MIQs in relation to Matter 2: Duty to Co-operate.

- 1.2 By way of background, Miller Homes has an interest in land at Colwell Farm ('the site'), which is located on the eastern edge of Haywards Heath and has capacity to deliver up to 80 new homes on the edge of one of the district's most sustainable settlements. The location of the site is shown in Appendix 1.



2.0 Duty to Co-operate

2.1 Matter 2 of the Inspectors MIQs asks whether the Council has complied with the duty to co-operate in the preparation of the Plan. 9no. questions have been asked by the Inspector on this issue, and the following provides answers to the ones most relevant to our client's interests:

Q22. 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?

2.2 Whilst the Housing Needs SoCG (July 2024) sets out the approaches and priorities for the delivering of housing in the Northern West Sussex area, it does not provide any express commitments (in terms of housing numbers) as to how the collective identified unmet needs of Crawley Borough (-7,505) and Horsham District (-2,377) are proposed to be met.

2.3 The emerging unmet housing need position in the Northern West Sussex HMA is now exceptionally high at -8,947 units over the 17-year plan period to 2039. This compares to the unmet need position in this HMA over the previous (current) plan period of -523 units.

2.4 It is our Client's view that whilst the Council has sought to agree a position on housing with the other Northern West Sussex Authorities, this agreed position simply concedes that housing need within the Northern West Sussex HMA '*will not be met by the emerging set of plans*', and the authorities agree that '*there will continue to be an unmet need for housing in the HMA*'.

2.5 It is acknowledged that owing to its physical constraints and high demand, Crawley BC has historically had a housing supply shortfall which Horsham DC and Mid Sussex DC have in the past partially addressed. Crawley's supply position has worsened recently (owing to delays with the delivery of key site allocations from the current plan, issues in the construction sector with labour and costs, and water neutrality constraints); and Horsham DC claims that it cannot now meet its own needs let alone the needs of others due to the water neutrality constraint.



- 2.6 The signed Housing Needs SoGC acknowledges these constraints, and whilst water neutrality affects a very small proportion of the Mid Sussex District, the district largely falls outside the Sussex North Water Supply Zone and is completely unaffected by the requirement to demonstrate water neutrality.
- 2.7 As such, it is our view that in order to alleviate the severe housing supply shortage that both the Northern West Sussex and southern HMAs face over the next 5 years, these extenuating circumstances mean that Mid Sussex District Council is duty bound to go above and beyond seek to make a meaningful contribution to housing delivery in the area.
- 2.8 The 996 additional dwellings (above the identified need) that the Council suggests could meet unmet needs in the emerging local plan does not go far enough to alleviate the significant wider issues faced in both the Northern West Sussex HMA and the Brighton and East Sussex HMA, where significant unmet needs are identified. It is also does not form part of the overall housing requirement set out in policy DPH1 (see our response to Matter 6, Questions 67 & 68).
- 2.9 Our Client submits that whilst a SoCG on housing matters has been signed between the authorities, it fails to directly address the issue of severe housing undersupply in the HMAs which has been made even more severe by the extenuating circumstances and constraints of water neutrality in large parts of Horsham and some of Crawley.
- 2.10 The SoCG is therefore not effective as it does not show that the authorities have worked together positively to make a meaningful effort to reduce the combined undersupply across the HMAs.
- 2.11 Paragraph 35a of the NPPF states plans should be positively prepared “*so that that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.*” Furthermore, Paragraph 36 states that “[...] *joint working should help to determine [...] whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.*”
- 2.12 In the context of constrained development opportunities in Horsham and Crawley, we believe that it is practical and achievable in Mid Sussex to significantly boost the amount of development across the district in order to reduce the severe shortfall across both the Northern West Sussex and Brighton and East Sussex HMAs. This can be undertaken in a sustainable way by bolstering housing allocations in sustainable locations such as in and around the district’s main settlements of East



Grinstead, Burgess Hill and in particular Haywards Heath which is not currently proposed for any significant development in the emerging plan.

- 2.13 Accordingly, the plan is not positively prepared and thus unsound as the Council has failed to properly consider and test scenarios that accommodate unmet housing needs across the wider HMAs. To rectify this, the Council must progress meaningful engagement with neighbouring authorities with proper outcomes to devise a clear plan that seeks to address as much unmet needs as possible.

Q23. 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?

Q24. 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?

- 2.14 The main matter of cross boundary strategic significance in Mid Sussex is undoubtedly that of housing delivery. This matter is particularly significant at present given the constraints imposed by water neutrality, and the severe unmet needs that this is projecting to result in.
- 2.15 As set out in s33A of the PCPA 2004, each authority is required to engage constructively with one-another to maximise the effectiveness of the local plan. Given the well-established HMAs that Mid Sussex sits within, it is clear that co-operation between relevant authorities is required to work positively to find solutions to addressing cross boundary needs.
- 2.16 Mid Sussex has failed to co-operate effectively with Horsham and Crawley Councils to seek innovative and practical ways to deliver the housing needed across the Northern West Sussex HMA in the context of severe projected shortfalls; and has failed to co-operate with Brighton and Lewes Councils to help find solutions to meeting unmet needs in these southern areas.

Q27. 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?

- 2.17 There appears to be no clear rationale for the prioritisation of the Northern West Sussex HMA. Whilst a large part of the district is within the Northern West Sussex HMA, approaching half of the district is also within the Brighton and East Sussex HMA, (including the authorities of Lewes and Brighton) which between them have a unmet housing need of at least 19,675 units – considerably more than the unmet needs in the Northern West Sussex HMA (which are also significant).
- 2.18 The part of the district within the Brighton and East Sussex HMA also includes two of Mid Sussex’s largest and most sustainable settlements – Haywards Heath and Burgess Hill. As such, the rationale for prioritising needs arising in the Northern West Sussex HMA over the equally critical needs arising from the Brighton and East Sussex HMA is not justified.
- 2.19 Critically, Brighton and Hove City Council does not agree with the prioritisation of the Northern West Sussex HMA over the Brighton and East Sussex HMA as set out by Mid Sussex District Council, and our client agrees with this position. In February 2024, Lewes District Council wrote to Mid Sussex asking for formal assistance in meeting its housing requirement, which reaffirms the severe constraints and difficulties faced by Lewes in seeking to meet its own needs.
- 2.20 By prioritising the needs of Northern West Sussex HMA, the Council fails to properly consider Haywards Heath as a settlement that can accommodate additional growth (particularly given its sustainability credentials and direct rail links with Brighton to the south) which would directly help address the severe undersupply issues and well-established constraints faced by Lewes, Brighton and the southern HMAs as a whole.

Q29. Specifically, has the Duty to Co-operate been discharged in a manner consistent with Paragraphs 24- 27 of the Framework?

- 2.21 No. Whilst the necessary Statements of Common Ground have been signed between relevant parties as required by the Framework, the requirement of paragraphs 26 and 27 to demonstrate effective joint working has not been achieved. A severe deficit of -8,947 homes is projected across the NWS HMA, with an overall deficit of housing across the NWS and Brighton and East Sussex HMAs of -32,693.
- 2.22 Whilst it may not be possible for Mid Sussex to cater for all this unmet need, the Council has failed to discharge its duty effectively by not working positively to explore

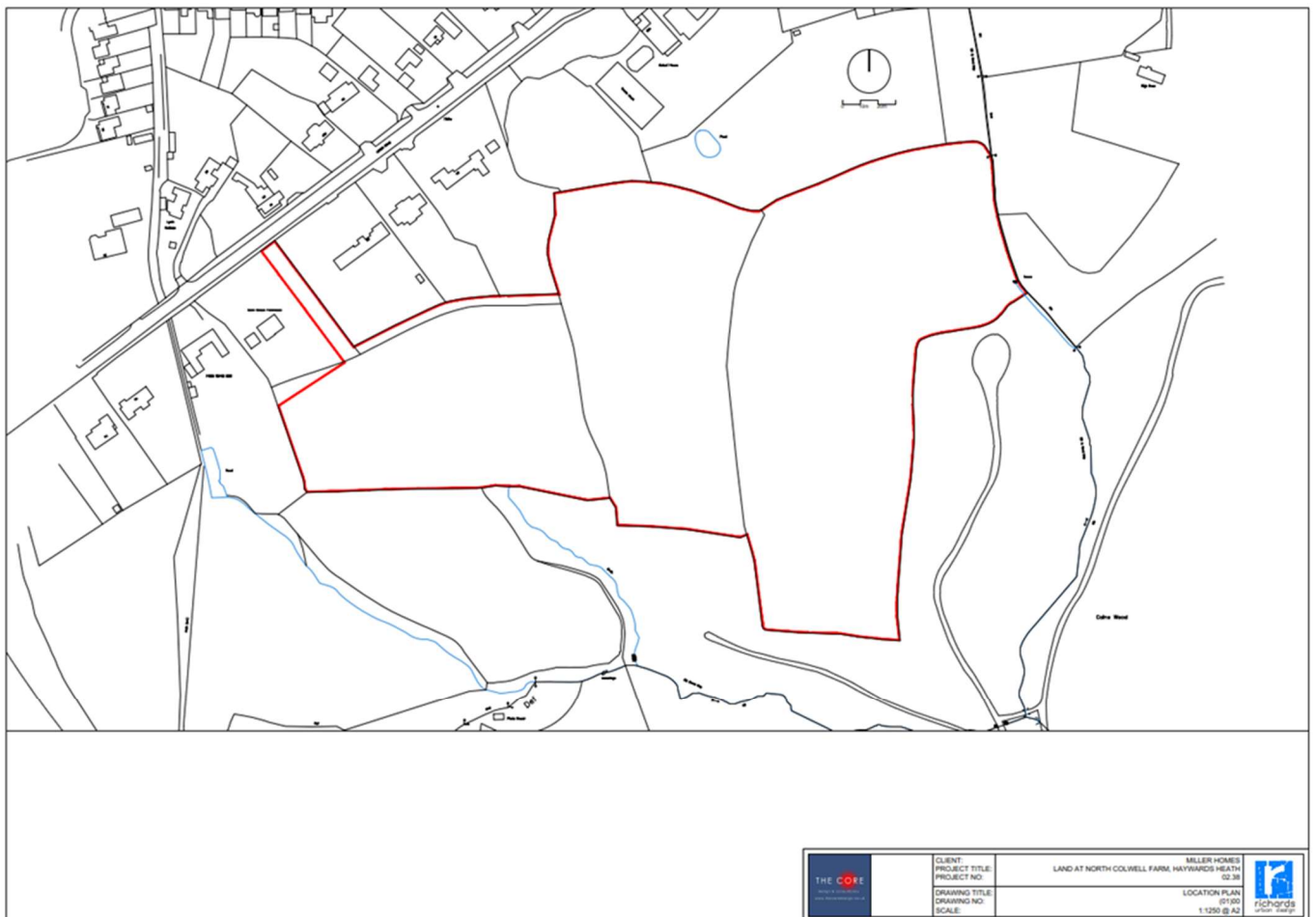


ways to boost its supply of housing by allocating additional sites in sustainable locations such as Hayward Heath.

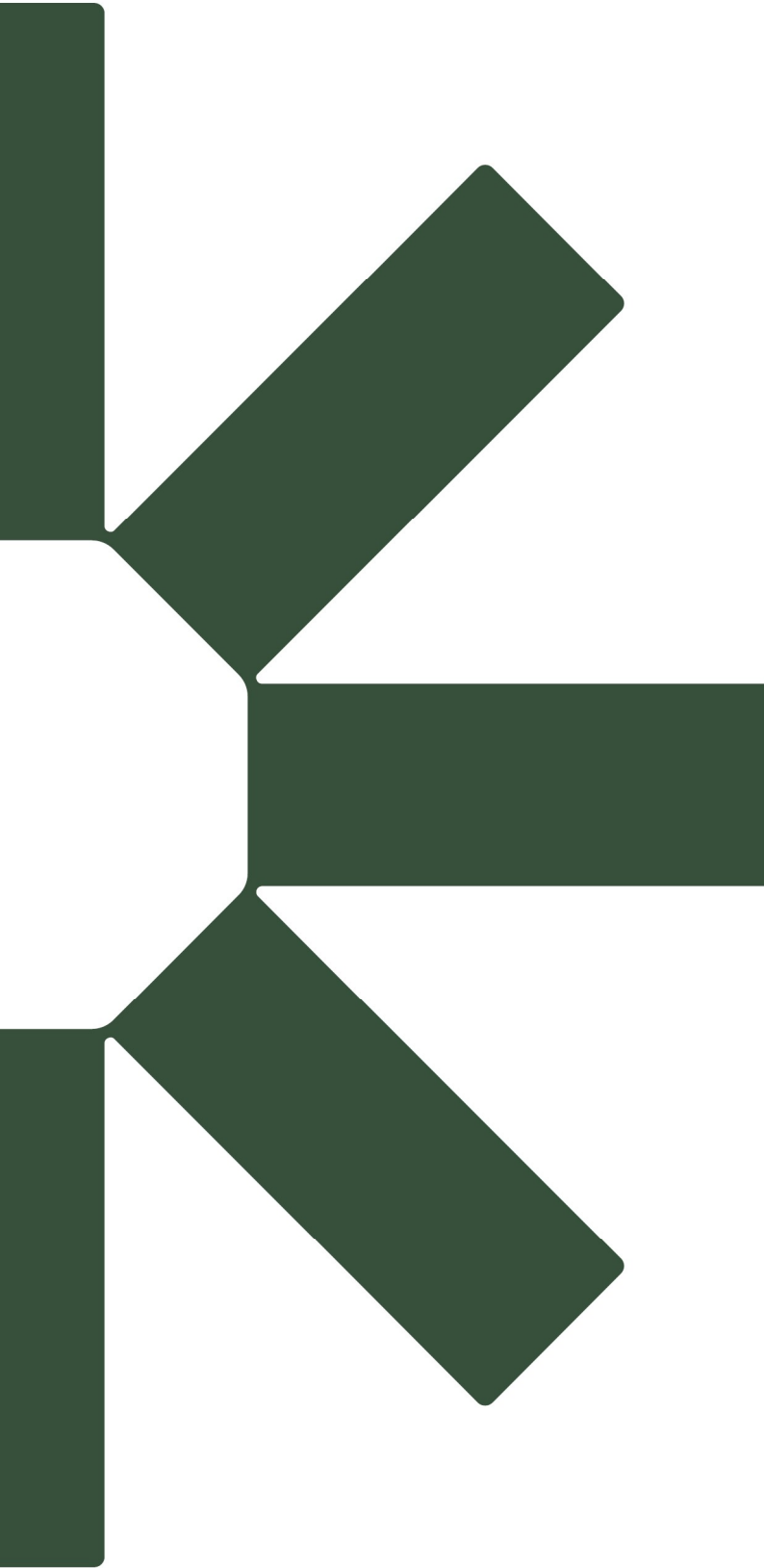
- 2.23 The signed Statements of Common Ground between Mid Sussex and other authorities read as statements of agreed fact rather than genuine efforts to co-operate by identifying issues and provide effective solutions to address the wider unmet needs. The proposed amendments to the NPPF at paragraphs 24 and 27 of the consultation documents seek to reinforce and strengthen the importance of authorities working together effectively to find consistent approaches to planning for meeting the unmet needs across boundaries.
- 2.24 In addition, the Ministerial Statement issued on 30th July by the Deputy Prime Minister Angela Rayner makes it clear that *'local authorities will be expected to make every effort to allocate land in line with their housing need as per the standard method'*, and that *'local authorities that cannot meet their development needs will have to demonstrate how they have worked with other nearby authorities to share that unmet need'*. Whilst the new NPPF is still in draft, the Ministerial Statement is a material consideration.
- 2.25 This new direction by Government is clear, and sets a strict expectation that effective cross-boundary co-operation between authorities is essential to meet wider development needs. Mid Sussex appears to have only paid lip-service to the duty to cooperate and has failed to actually find effective solutions to addressing the challenges in the wider market area.



Appendix A Colwell Farm, Haywards Heath: Site Location Plan



Hearing Statement – Matter 2: Duty to Co-operate



Making Sustainability Happen