

MID SUSSEX DISTRICT PLAN 2021-2039

EXAMINATION IN PUBLIC

OPENING STATEMENT ON BEHALF OF MID-SUSEX DISTRICT COUNCIL

1. Mid-Sussex District Council welcomes the Inspector and all other participants to the Examination in Public of the Mid Sussex District Plan 2021-2039.
2. As is demonstrated by the adoption of the current District Plan in March 2018, and the Sites Allocation DPD in June 2022, Mid Sussex is not only committed to the plan-led system, but is fully aware that maintaining an adequate supply of land to meet development needs is critical if the Council is to control its own destiny. In that regard, the Council is rightly proud of the fact that, since adoption of the District Plan, it has consistently overperformed in relation to housing delivery targets, and has only once needed to go to appeal against a developer who was seriously challenging its ability to demonstrate a 5 Year Housing Land Supply. That challenge, which related to land at Albourne, was dismissed in October last year, with the inspector concluding not only that – more than five years after adoption of the District Plan - the Council could still demonstrate a 5 year supply of housing, but also that

“95. ... it is clear that Mid Sussex has a history of housing delivery and it is not an area with a record of persistent under delivery... I am confident that the Council understands and acknowledges its obligations under the HLS and HDT. The Site Allocations DPD has allocated more land for housing than the DP required, and the Council approaches the issue of housing in a positive and proactive manner.

96. Overall, I find that the Council has taken and continues to take a proactive approach to housing delivery at both plan making and decision making. From the evidence to this Inquiry ... the Council is effectively using a variety of tools and mechanisms to ensure housing can be delivered in a timely manner. Plan making progress as acknowledged by the Appellant is commendable and is positive and continuing to progress. The use of dedicated planning officer resources for the Northern Arc, the use of both statements of common ground and Planning Performance Agreements and also planning conditions to reduce the timescales for submission of some applications is all positive. There is a methodical and robust analysis of lead in times and build out rates and therefore in my opinion, the Council has a good understanding of housing and infrastructure delivery within their administrative area.”

3. Critically, the Council also understands that – however satisfying these observations may be – it cannot simply rest on its laurels, but needs to ensure that the hard work continues, so that its development plan is continually and regularly reviewed. It is on that basis that the Plan which is before this Examination has been produced.
4. Significantly, the draft Plan is one of the few Local Plans currently being prepared in the south-east that meets local housing need in full. Meeting MSDC’s own need has always been a key aim for the Council, and is itself a significant achievement. However, the Plan does not stop there: recognising that many neighbouring authorities are struggling to meet their own needs, the Plan originally allocated some 996 more houses than were needed to meet MSDC’s own need. If, as MSDC agrees should be the case, the Plan period is extended to 2040, this will be a surplus of 1,042. In the course of this Examination, we will need to consider precisely how that surplus should be attributed – whether it is sufficient to describe it as a “buffer” against MSDC’s own needs, or whether it should be specifically ascribed to one or more of the adjoining authorities (and if so, which) – but that discussion should not detract from the obvious point that any additionality will help meet the wider needs of the sub-region.

5. It should not be assumed that doing this has been easy. Nearly 50% of the Mid Sussex District is within the High Weald AONB, and a further 10% is within the South Downs National Park. While those designations are not a complete bar to development, national policy requires the Council to afford them to be given protection commensurate with their status, and the Plan has done that, both in its approach to allocations and in its development management policies. Moreover, even within those parts of the District (such as the Low Weald) which are not within the National Park or the National Landscape, there are areas of nationally important ancient woodland, and (as the Albourne appeal decision demonstrates) areas of high landscape value which still attract protection under the NPPF.

6. It is these constraints that provide the answer to the complaints made by many of the objectors at this EiP that MSDC has “not done enough”. As will be explained over the next few days:
 - a. MSDC’s selection of spatial strategy has been specifically influenced by the need to ensure that it would be able to identify more, rather than fewer sites. The Council first looked to carry on with the strategy of proportionate growth at settlements which had informed the adopted District Plan, but realised that even local housing need would not be met by doing so. It therefore, proactively, looked again at the strategy and proposed an alternative which would not only allow it to meet its own local housing need in full, but would also produce a surplus, while still delivering sustainable development alongside the infrastructure to support it, enabling more residents to be able to travel sustainably to meet their day-to-day needs, and so benefitting the residents of both new and existing communities,

 - b. The identification of specific sites for allocation has not been constrained by any artificial “ceiling” on the number required. Rather, the Council has undertaken a capacity-led assessment, and identified all those sites which it considers can be developed without significant conflict with national policy. The site selection process used is one which has been confirmed as robust and fit for purpose in two previous examinations.

7. The Council recognises that, despite these efforts, there remains a wider unmet need. However, that is unsurprising. If one adds together the shortfalls from neighbouring authorities such as Crawley, Horsham, Lewes and Brighton & Hove, it is patently unrealistic to expect that MSDC could ever provide a solution to all their needs. Indeed, none of the objectors at this EiP seriously suggests otherwise. This important: while this EiP is the appropriate forum for considering whether MSDC has gone far enough, the fact there is still unmet need does not and cannot, of itself, demonstrate a flaw in this Plan. The Duty to Co-operate is not a duty to agree, nor does it require MSDC to do what the neighbouring authorities have been unable to do for themselves. In that context, we draw attention to the DtC Compliance Statement and associated Statements of Common Ground¹ which demonstrate that the strategy and site selection process have been developed in close consultation with our DtC partners. Although we are aware that some objectors take a different view, it is of some significance that none of the Council's DtC partners makes any complaint that this Plan has been produced in breach of the DtC.
8. Throughout preparation of the Plan, the Council has developed and responded to a robust evidence base, including (where appropriate) reports commissioned by independent expert consultants. For obvious reasons, that work has continued beyond the point of submission, and where that is the case, the results have been placed before the EiP. Contrary to the arguments raised by some objectors, this does not demonstrate that submission was premature: there was at all times an adequate evidence base for the Council's decisions, and the later reports merely confirm, refine or update the conclusions of the original work. That process will be familiar to anyone with experience of producing a Local Plan.
9. It is on this basis that the Council has submitted the Plan for Examination. It has done so on the basis that it considers the Plan is both legally compliant and sound. It is those propositions which will be tested over the coming weeks. Whatever the differences of opinion of those participating in it, we look forward to that process,

¹ DC1-DC18

knowing that any points which are raised and find favour with the Inspector can only make the Plan stronger. In that regard, if the Inspector concludes that there are changes which are necessary in order to make the Plan sound, we formally request her to recommend them.

10. Finally, I would like to ask the Leader of the Council, Cllr Eggleston, to say a few additional words.

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