

Adur Local Plan Examination Note on review mechanisms in the Mid Sussex Local Plan

Note by the Home Builders Federation, 6 February 2017

During the first session of the Adur Local Plan examination held on 31 January 2017 the Inspector invited a note from the Home Builders Federation (HBF) detailing what has been discussed at the Mid Sussex Local Plan examination in relation to the possible insertion of a review clause into the Mid Sussex Local Plan to address wider unmet needs of the sub-region (that is, the Sussex Coastal HMA and the North Sussex HMA).

This note will attempt to be as objective as possible by providing a statement of fact, confining itself to a description of what is currently contained in the emerging Mid Sussex Local Plan and a description of what has been proposed by participants and debated at the hearing sessions to date. It does not provide the HBF's view on what should be included in the Adur Local Plan with regard to a review. Our view on this was provided at the Adur hearing sessions.

The Inspector examining the Mid Sussex Local Plan has not reached any conclusion on the question of including a review clause in the Local Plan.

Mid Sussex District Plan 2014 – 2031 Schedule of Further Modifications to the Pre-Submission Draft and Focused Amendments

The *Schedule of Further Modifications to the Pre-Submission Draft and Focused Amendments* published in August 2016 (these have not yet been consulted upon as these were changes agreed by the Council post the Regulation 19 consultation) states the following:

Duty to Cooperate

3.42. The ongoing cooperation between local authorities in the area has been positive and effective during the preparation of this Plan, as evidenced in the Council's 'Duty to Cooperate Statement'. These relationships and joint working practices will need to continue to be effective and constructive on an ongoing basis to address the very significant challenges for the wider area in meeting housing and other development needs. If a second runway at Gatwick is supported by Government this would present a further significant challenge for the wider area. The main mechanisms for this cooperation will be the Gatwick Diamond Initiative, the Coastal West Sussex and Greater Brighton Strategic Planning Board and the Greater Brighton Economic Board. The outcomes from these discussions and any underpinning technical work will be taken into account and progressed through Local Plan reviews. Mid Sussex District Council is fully committed to continuing to work positively and proactively with partners to plan strategically for the wider area in the longer term. This will include exploring long term opportunities to work together with others to narrow the gap between the planned housing provision and the assessed needs of the wider area. Examples of such work are:

- i) the refreshing of the Local Strategic Statement for Coastal West Sussex and Greater Brighton, which now includes Mid Sussex, agreed in January 2016 and*

ii) *the refreshing of the Local Strategic Statement for the Gatwick Diamond, recently commissioned.*

3.43. *As noted above, the Plan's housing provision includes a contribution of 46 dwellings per year towards the unmet needs of neighbouring authorities, and the strategic allocation at Pease Pottage is proposed as a direct response to those of Crawley Borough Council.*

At the hearing session held on the 31 November 2016, the Inspector stated that he considered that Mid Sussex Council should include in its Local Plan a much firmer commitment to a review. This should consider the question of meeting the unmet needs of the sub-region.

He invited Mid Sussex to give consideration to this request and to provide a response for the reconvened hearings sessions to be held in the New Year.

Mid Sussex hearing statement for the reconvened hearing sessions on the 12 and 13 January

In its statement of 5 January 2017 to inform the discussion at the reconvened local plan examination hearing sessions on the 12 and 13 January, Mid Sussex Council has provided the following view:

Unmet Need (Annex D and Annex E)

- *In relation to review mechanisms the Council suggest that the issues of need in the sub region and in particular the unmet needs of Brighton and Hove can only be met through a proper sub regional planning exercise, which could also consider the role of any long term strategic allocations, it follows that any review of the Plan should follow and reflect this sub regional exercise.*

- *The Council can only progress such a sub-regional exercise with the support of other authorities in the sub region. The District Council is already working on this as part of the established Coastal West Sussex and Greater Brighton partnership. This is the most fully formed, realistic and viable mechanism for a partnership approach that endeavours to address the unmet housing need of Brighton by investigating and considering options to accommodate this unmet housing need across the sub-region. This is a credible group of Local Planning Authorities that is making rapid progress. The work being prepared by Coastal West Sussex and Greater Brighton aims to provide a clear vision and a robust evidence base, which is delivered through a shared, coherent spatial and investment framework. (See Annex D to this note for further details). The first stage of this work is almost complete and clearly suggests limited links between Mid Sussex and Brighton in terms of the housing market areas.*

- *The level at which the Council is able to satisfy the unmet needs of neighbours relates to the availability of sustainable short term housing capacity in the form of available and acceptable sites. This is because the obvious supply of such sites is limited to the 800 dpa suggested by the submitted plan (see MSDC 6).*

- *In reviewing unmet needs, the Council also noted that it is making a substantial allocation at Burgess Hill (which is clearly the area of Mid Sussex most accessible to Brighton) and which may be delivered at a faster rate to meet any pressing needs from Brighton and Hove. However, it notes that developers have recently reduced the delivery trajectory on market – related grounds. (see MSDC2).*

Mid Sussex Council is opposed to the inclusion in its Plan of any alternative wording in relation to a review.

Views of other participants

HBF

At the hearing session the HBF expressed the view that Mid Sussex's first priority was to address the unmet housing need of Crawley Council as its partner HMA authority. However, a firmer commitment to a review needed to be included in the Mid Sussex Local Plan to address the wider sub-regional unmet housing need. It is agreed by Mid Sussex Council and the representatives of the development industry that this unmet need figure currently stands at 38,558 dwellings for a period 2011-2033. (See Mid Sussex Council *Annex D: Background to the Unmet Need in the Sub Region*).

The HBF considered that the argument presented by the Council in the *Schedule of Further Modifications to the Pre-Submission Draft and Focused Amendments* was too non-committal. There were too many opportunities for disagreements over details and this would compromise the production of an effective spatial and investment framework that would be binding on all the relevant local authorities. The HBF considers that Mid Sussex Council needs to commit to an immediate review of its Local Plan with the aim of completing this review with a new adopted plan in place by 2021.

Developers Forum

A consortium of developers has been formed to provide a single voice at the Mid Sussex Local Plan examination. It broadly supports the HBF's position: that Crawley is the primary responsibility and that the Mid Sussex Local Plan, following the example set by Horsham Council, should provide for its share of the unmet need of Crawley (which would broadly equate to providing 150 dpa). It also agrees that a more strongly worded review clause is needed in the Plan committing Mid Sussex Council to planning for the unmet needs of the sub-region by a specific date. It supports the suggested wording (see below) proposed by Quod on behalf of Mayfield Market Towns.

Quod on behalf of Mayfield Market Towns

Mayfield Market Towns is seeking a commitment in the Plan to an early review that *"not only outlines the purpose of the review but sets out a timescale in order that these critical issues are genuinely and urgently addressed."*

To this end it has submitted for consideration the following wording:

1. *The Localism Act 2011 places a "duty to co-operate" on local authorities and other specified organisations. The Mid Sussex District Plan should therefore be based on joint working and cooperation with neighbouring authorities to address larger than local issues. In particular, where it is reasonable to do so and consistent with achieving sustainable development, it should seek to meet unmet housing needs arising from neighbouring authorities in the region, including but not limited to those arising from other authorities within the Northern West Sussex and Greater Brighton/ Coastal West Sussex sub-regional housing*

market areas. The District Plan has been adopted on the basis of meeting some unmet housing needs from the sub region.

2. *The Council accepts that its District Plan, taken together with the development plans for adjoining districts in the relevant housing market areas, fails to meet all of the objectively assessed housing needs of those parts of the sub-region relevant to Mid Sussex. There is evidence that in addition to the housing sought to be delivered through various recently adopted development plans (for Brighton & Hove City Council, Lewes District Council, Adur District Council and Worthing Borough Council) a further 35,351 dwellings are required over the next 15 years if the housing needs of the sub-region are to be met in full.*

3. *As part of its duty to continue to engage constructively, actively and on an ongoing basis with neighbouring authorities and public bodies with regard to strategic planning matters, including the provision for housing over sub-regional areas, Mid Sussex District Council is committed to working together with its neighbouring planning authorities to identify what proportion of the above unmet need can reasonably and sustainably be met within its administrative boundaries having regard to both its environmental capacity and the environmental capacity of its neighbouring authorities. As part of discharging this duty, Mid Sussex Council will complete an urgent partial review of its District Plan within 2 years of the adoption of this District Plan (date to be specified in the plan when its adoption date is known). This partial review will be undertaken in co-operation with all neighbouring authorities where there are relevant cross-boundary issues, including Horsham district.*

4. *The purpose of the review will be to (a) assess what proportion of the overall unmet need can be satisfied within Mid-Sussex and (b) identify sufficient housing land to meet that need insofar as the need can be met within Mid Sussex consistent with approach required by paragraph 14 of the NPPF.*

This proposed wording is supported by the HBF and the Mid Sussex Developers' Forum.

A copy of Mayfield Market Town's note (prepared by Quod) is appended to this statement.

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