Memorandum from CPRE Sussex (Representee No: 1189028) re question 59 raised by the Inspector for Stage 1 of the public examination of Mid Sussex DC's District Plan 2021 - 2039.

Matter 6: Housing: Issue 1: Whether the Council's approach to calculating its full, objectively assessed needs and housing requirement is justified, based on up-to-date and reliable evidence, effective, positively prepared, and consistent with national policy?

Q. 59. *Are there exceptional circumstances to suggest that an alternative approach be taken? If so, what are they, and how would they impact on housing need? Is the Strategic Housing Market Assessment 2021 (H1) up to date and justified?*

1. CPRE Sussex requests the Inspector to consider the extent to which environmental and infrastructure constraints limit the number of new homes that the Plan can cater for within its housing policy.

2. CPRE Sussex does not pretend to sufficient expertise to comment in any detail on the soundness of the Council's Infrastructure Delivery Plan or its achievability in practice. We are aware of significant water supply and sewerage capacity constraints that require addressing in order to make the new Plan deliverable. However, we don't seek to make any representations as to the degree to which the need for, and timely deliverability of, necessary new infrastructure provision may constrain new housing provision during the life of the new Plan. We are confident that the Inspector will be conscious of any such issues, including as a result of representations from statutory consultees and others who are better informed.

3. As to environmental constraints, the starting point is the Plan's core recognition is that Mid Sussex is and should remain a rural district of high landscape and ecological value. Amongst other implications of this fact are the real economic benefits the District derives from its attractiveness as a visitor attraction and its contribution to agricultural productivity, climate change regulation and so on.

4. We draw the Inspector's attention to the Capacity of Mid Sussex District to Accommodate Development Study commissioned by the Council as part of the evidence base for its current District Plan. [The document is reference EP47 in the 2018-2031 District Plan Evidence Library]. Although the Council has not updated that Capacity Study, by their nature environmental designations etc do not often significantly alter, and we consider that the Capacity Study still provides relevant and important evidence that needs to be taken into account, subject to the qualification that the urban area of the District will have grown measurably, and the undeveloped area equally contracted, since the Capacity Study was conducted.

5. The Study concludes that there are very significant environmental constraints to development:

   "***Environmental constraints to development***

   6.8 Figure 4.1 shows the environmental and infrastructure related primary and secondary constraints identified in the District in Sections 2 and 3, and highlights how constrained Mid Sussex is. There are only very small pockets of the District that are not already developed and have no significant environmental or infrastructure constraints, and even some of these may

still be constrained (e.g. Grade 3 agricultural land has not been included in the primary and secondary constraints, nor has landscape with medium capacity for development)[1].

6.9 However, not all constraints to development have equal weight. As discussed in Section 4, primary constraints have been identified where it is unlikely that there would be capacity for any significant development, because of both their high environmental sensitivity and the strong policy safeguards that apply to them. Primary constraints cover approximately 63% of the District, as shown in Figure 4.2. These largely comprise the nationally designated landscapes of the High Weald AONB and the South Downs National Park[2]*, as well as smaller areas in the District covered by national nature conservation and heritage designations, public rights of way, areas of highest flood risk (zone 3) and high agricultural land quality (Grades 1 and 2, although there is no Grade 1 agricultural land in the District).*

6.10 Outside the primary constraints, a further 29% of the District is covered by at least one secondary constraint. This means that, including the urban areas, 92% of the District is covered by one form of 'mappable' constraint or another. After urban areas (which cover 4%) are removed this leaves only 4% of the District without a primary or secondary constraint.

6.11 The secondary constraints mostly comprise the 7km buffer zone around Ashdown Forest SPA, which extends into the north east of Mid Sussex, the 1km buffer zones around the edges of the AONB and National Park, ancient woodland sites including a 15m buffer, open space, sports and recreation areas and areas assessed as having "Low" and "Low/Medium" landscape capacity to accommodate development (i.e. very sensitive landscapes where development would have a significant impact on landscape character). Although these secondary constraints do not necessarily represent areas that cannot be developed, some are afforded protection under national policy, and often they represent areas where significant environmental impacts could occur, and where mitigation measures are likely to be required to avoid or reduce the significance of the impacts.

6.12 In the parts of the District not covered by primary constraints, development could be more challenging where there is more than one secondary constraint due to the added costs and challenges that would be required to adequately mitigate the potentially significant impacts on the environment in those areas (depending upon the nature of the constraint concerned). Figure 4.3 highlights those areas in the District where there are more than one secondary constraint. However, as shown in Table 4.2, there are only very small areas outside of the primary constraints that are covered by between three and six secondary constraints:

- *63.6% of the District is covered by primary constraints.*
- *63.9% of the District is covered by primary constraints with at least four secondary constraints outside the primary constraints area.*
- *66.6% of the District is covered by primary constraints with at least three secondary constraints outside the primary constraints area.*
- *77.2% of the District is covered by primary constraints with at least two secondary constraints outside the primary constraints area.*
- *92% of the District is covered by primary constraints plus at least one secondary constraint outside the primary constraints area. The main reason for this step-change is the extent of the landscape of the District outside of the primary constraints that*

[1] 20ha of the land included within the proposed Sayers Common allocations is apparently Grade 3a quality agricultural land.

[2] That part of the South Downs National Park which falls within Mid Sussex district is outside the proposed Plan area. However its setting extends into the southern part of the Plan area.

has been assessed as having low or low/medium capacity to accommodate development.

- *Built-up areas account for 4% of the District, leaving only 4% that is not covered by a primary or secondary constraint."*

6. Plan policies already recognise that new development has to be significantly limited within or adjacent to the High Weald AONB, which occupies over 50% of the Plan area, within the setting of the South Downs National Park and within the Ashdown Forest 7km zone. Proposed policies DPC1 – DPC3 also create sensible, but more limited, constraints on new development in the countryside. Those proposed policies do allow for small scale development in the countryside in some circumstances. Other proposed plan policies create further limited constraints in specific circumstances (e.g. in conservation areas, to maintain the availability of best quality agricultural land, or to safeguard airport or mineral exploration operations).

7. In the bigger picture, though, the effect of the primary National Landscape and Habitats Regulations constraints is to skew the majority of the District's new development towards the rural Low Weald, the opportunities for further sustainable housing growth in the northern half of the District outside the main urban areas there having been largely exhausted. The spatial strategy proposed by the Council in its draft Plan demonstrates that, with 6 of the 7 strategic sites and some other allocations being proposed there.

8. As explained in respect of earlier matters addressed during these stage 1 hearings, there is a vacuum of land use policy within the Plan as regards the Low Weald and its rurality that contributes so importantly to the character of the District.

9. To open up the rural Low Weald in Mid Sussex to major levels of new development without a policy-based strategy that takes full account of robust evidence of the area's capacity to absorb it, and of the need for a proper balance between development and environmental objectives would be the opposite of positive planning and wholly unjustified. There is no current evidence outside the Capacity Study and Natural England's Low Weald Landscape Character Area Study[3] as to the area's capacity to absorb new development, and that evidence is that capacity is significantly constrained both in the Low Weald and elsewhere within the District.

10. The NPPF's core purpose of delivering sustainable growth (NPPF paras 7-9) demands the balancing of environmental impacts against economic and social ones in order to achieve positive planning. The existence of significant environmental constraints throughout the District is real and evidenced.

11. However, the degree of the potential for sustainable development expansion in the rural south of the District in the face of these environmental (and infrastructure) constraints, and its likely impact on the small rural villages there is significantly under-evidenced. The sustainability balancing act required by the NPPF cannot be justifiably assessed without this evidence and an approved land use policy that takes it into account. Nor can the appropriateness of significant allocations in that part of the District.

[3] https://publications.naturalengland.org.uk/publication/12332031.

12. In considering the soundness of the Council's housing target policy and the pressure from neighbouring authorities for Mid Sussex to absorb some of their shortfall, both the environmental capacity, and timely deliverability of new infrastructure requirement capacity, of the District to do so are highly material considerations.

13. We acknowledge that the Council has felt obliged to adopt the current standard-method-imposed OAN as the starting point for setting its housing target. The methodology from which that methodology is derived has been widely criticised (not least by CPRE) as producing arbitrary results that operate in districts like Mid Sussex to require levels of housing that exceed by a considerable margin the actual locally assessed housing needs of the district. In 2022 the Council calculated that excess at 5,628 dwellings[4]. CPRE Sussex estimates that excess to be greater than that.

14. The new housing target that the Council is proposing, which is so well above the Council's assessment of the District's actual local need, and exceeds the OAN by which this Plan's soundness is to be judged, demonstrates a preparedness to shoulder a considerable contribution towards meeting national aspirations to increase the overall national housing stock despite the evidenced constraints that its rurality imposes and the loss of the economic and social, as well as environmental, benefits that that this rurality offers to the District and the communities living here. Nor is there any robust evidence before the Inspector that the building of more homes will reduce property prices and make home-buying or renting in Mid Sussex more affordable.

15. In proposing the housing target that it has in policy DPH1, the Council claims that there are no exceptional circumstances to justify an alternative approach. CPRE Sussex disagrees. In our view the Council has given no weight to the evidence of its own comprehensive 2014 Capacity Study (which it has not found it necessary to update) and has failed to undertake any detailed ecological impact study either via the Sustainability Appraisal or separately. Neither a sound spatial strategy nor a sound housing target is possible without taking full account of robust capacity evidence (which is available in the Capacity Study, but has not been used) and of robust ecological evidence (which has not been provided by the Council. In our opinion the capacity evidence constrains both policies rendering those draft policies in the present form unjustified.

16. There is ample precedent demonstrating how environmental and other constraints have led to the acceptance by the Planning Inspectorate of the soundness of local plans with housing targets that do not exceed, or fall below its Plan area's OAN. The Inspector's report following the examination of Surrey's Mole Valley DC's Local Plan provides the most recent example of the application of that constraint in practice[5]. Whilst each plan must of course be reported on according to its individual merits, it is significant that the Inspector of that Plan concluded that:

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[4] Extract from a letter from the then Council Leader to the Secretary of State for Levelling Up, Housing & Communities dated 16 February 2022: *"Household projections are simply not an accurate reflection of local 'need.' The Standard method uses out of date household projections despite more recent projections being available. This makes a significant difference for Mid Sussex and would reduce our need from 18,587 to 12,959. It is highly probable that at the higher figure, Mid Sussex can not achieve a reviewed Plan with community support, but at the lower figure I am confident we could."*

[5] https://www.molevalley.gov.uk/planning-building/mole-valley-local-plan-2020-2039/

"104. Taken together, roughly 80% of the District is covered by designations which provide a strong reason for restricting the overall scale, type and distribution of development as per the presumption in favour of sustainable development in NPPF paragraph 11. A higher housing requirement would be likely to conflict with the purposes of those designations, which act to restrict development. …..

157 To conclude, .the Plan sets out a spatial strategy for the delivery of housing which is justified and consistent with national policy. The total housing requirement in the Plan is soundly based, and subject to the above MMs is robustly expressed with sufficient information on delivery.

158. Subject to MMs in relation to the housing requirement and trajectory, the evidence shows a shortfall against LHN of 2,359 new dwellings over the Plan period. The Plan would meet 73% of LHN, with a 27% shortfall.

159. However, the Council has undertaken a thorough examination of sites based on robust evidence to deliver an appropriate strategy for allocated development sites. I have found that the Plan's site selection methodology accords with national guidance and policy in striving to meet LHN for the District, whilst having regard to the full range of policies contained within the NPPF, for example regarding AONB and Green Belt. The nature of the District, with its considerable and extensive environmental constraints, significantly reduces the options for meeting development needs. The Council has, however, considered reasonable alternatives at every step of the site selection process.

160. Whilst the Plan would not meet housing need, its supply led housing requirement would represent a significant but realistic boost to housing supply from the requirement of the existing Plan." ……

466. Overall], I conclude therefore that, subject to the MM recommended, the Plan's approach to viability and monitoring has been positively prepared, is justified, effective and consistent with national policy."

In reaching this conclusion the Inspector accepted that there had been co-operation with neighbouring authorities in the same housing market area, all of whom were in a similar position of being unable to meet their own OAN-imposed housing targets and therefore unable to contribute to meeting Mole Valley's own shortfall. He did however require Mole Valley to releasee an area of green belt for housing allocations (the result of which is taken into account in the figures quoted in the above para 158 of his report.

17. For the reasons explained in our evidence to these hearings (including our Regulation 19 representations), CPRE Sussex does not consider that the draft District Plan's housing target is consistent with the core sustainability objectives of the NPPF, and that there is insufficient evidence to demonstrate the sustainable deliverability of that target having regard to the natural and infrastructure constraints to which the District is subject. Indeed, without a change in the Plan's spatial strategy to focus new development in and around urban towns and away from unsustainable rural greenfield sites (on which issue we have provided a separate statement), we

say that the housing target currently proposed in the draft Plan is undeliverable, making the Plan unsound as it stands.

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