

**Health Check
Haywards Heath Neighbourhood Plan
Housing Policies
April 2015**

Prepared by

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1. Introduction

I have been commissioned by Haywards Heath Town Council through the Neighbourhood Planning Independent Examiners Referral Service (NPIERS) to provide a 'health check' on the proposed housing policies in the draft Haywards Heath Neighbourhood Plan (HHNP). The Neighbourhood Plan area covers the parish of Haywards Heath together with a portion of the adjoining parish, Ansty and Staplefield.

I was specifically requested to answer 4 questions put to me:-

- Are the housing policies robust and will they 'stand up' to independent examination?
- Is it acceptable to use housing numbers from the nearby Burgess Hill strategic site to meet Hayward Heath's housing need?
- Is it necessary to carry out a local housing needs assessment?
- Is it acceptable to allocate sites in the HHNP where there is no indication from the owner that the site is likely to be brought forward for development?

I was also referred to the following documents:-

- Draft Housing Policy Chapter of the Neighbourhood Plan
- Mid Sussex Draft District Plan 2014-2031 Pre-submission Draft March 2015
- Draft Strategic Housing Land Availability Assessment (SHLLAA) February 2015
- Mid-Sussex Draft Housing and Economic Development Needs Assessment (HEDNA) February 2015
- A table of existing planning permissions and table of housing numbers

During the preparation of my report I liaised with Steven Trice, Clerk to Haywards Heath Town Council and Mark Bristow, Neighbourhood Planning Officer at Mid Sussex District Council. The information obtained and comments made from those persons have been incorporated into this report.

2. Background to the Neighbourhood Plan Preparation

I understand that the draft HHNP was published for consultation (the Regulation 14 consultation) during February and March 2014. However a number of events had or subsequently occurred which required the Town Council to re-visit the housing policies in the HHNP. The Mid Sussex District Plan was withdrawn due to the fact that the 'Duty to Cooperate' had not been met. A number of planning applications and appeals were submitted in and around the town and a housing and economic development needs assessment published which gave an up to date figure of housing need.

3. The Basic Conditions

If a Neighbourhood Plan is to 'pass' an independent examination then it must meet the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. The Plan must:-

- Have regard to national policies and advice contained in guidance issued by the Secretary of State
- Contribute to the achievement of sustainable development
- Be in general conformity with the strategic policies of the development plan
- Be compatible with European Union (EU) and the European Convention on Human Rights Obligations

National Planning Policy Framework (NPPF) and National Planning Practice Guidance(NPPG)

The NPPF gives communities direct power to develop a shared vision for their area and deliver the sustainable development that they need through neighbourhood planning. The policies of the Neighbourhood Plan must be consistent with the national policy and guidance through the NPPF and NPPG. In particular it should be noted that a policy should be clear and unambiguous and drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.

Sustainable Development

A Neighbourhood Plan must demonstrate how its policies contribute to improvements in economic, environmental and social conditions. There is no legal requirement for the plan to have a sustainability appraisal but it is a useful approach to demonstrate how the plan meets the one of the basic conditions. I understand that a sustainability appraisal (which incorporated the requirements of a Strategic Environment Assessment(SEA)) was prepared and published with the Draft Plan mentioned above. This is currently being updated.

The Development Plan

The current Development Plan comprises the 'saved' policies of the Mid Sussex Local Plan 2004. However these policies in relation to housing numbers are out of date. The Mid Sussex District Plan is currently under preparation, the latest version being the Pre-Submission Draft dated March 2015. A Neighbourhood Plan is not tested against the policies in an emerging District Plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the Basic Conditions. The NPPG advises that the local authority should work proactively with the qualifying body to agree the relationship between policies in the neighbourhood plan, the emerging Local Plan and the adopted Development Plan sharing evidence and seeking to resolve any issues. The fact that there is an emerging Local Plan is not unusual in neighbourhood planning and there is

nothing to suggest that this should stop or slow down the progress of the Neighbourhood Plan.

European Obligations

It is understood that a Sustainability Appraisal/SEA was prepared in conjunction with the earlier Draft Plan and this is now being updated.

It is not known if a Habitats Regulation Assessment screening has taken place and if so whether an assessment is required or not.

Likewise it is not known if an Equality Impact Assessment has been undertaken but the qualifying body must ensure that the HHNP is fully compatible with the European Convention on Human Rights.

4. Relevant Policies from the emerging Mid Sussex District Plan

Policy DP5 of the emerging District Plan sets out the housing provision figures for the period 2014 to 2031. After existing commitments are taken into account, a remaining target of 5301 dwellings is to be identified, 3,500 as part of the Burgess Hill strategic development (Policy DP9) and the remaining 1801 through allocations in Neighbourhood Plans including Haywards Heath. The proposed Burgess Hill development lies less than a mile from Haywards Heath parish boundary.

Policy DP6 identifies a settlement hierarchy and Haywards Heath is identified as a Category 1 settlement with good services. The amount of development planned for each settlement will need to have regard to this hierarchy but also take account of local development needs including housing. The availability of suitable housing sites and localised infrastructure constraints and opportunities will also be factors which influence the amount of development planned for individual settlements.

5. The Draft Housing and Economic Development Needs Assessment

The final paragraphs of this document are entitled, 'Implications for Neighbourhood Plans'. The document states that as per advice in the NPPG, the data to inform the objectively assessed housing needs only exists at District level. The District Council has established a method of distributing the housing need across the parishes in the District according to the proportion of households or population in each parish as at the 2011 Census. Table 41 of the HEDNA established the average number of dwellings for Haywards Heath as 2107.

However the document goes on to state that this figure is only an indication as to the level of need within each parish. Whilst the figure can be used to guide a neighbourhood plan, it should be used alongside other evidence that is available. The numbers are by no means a requirement or target. The document then goes on to re-iterate constraints, suitability and availability of sites as mentioned above in the District Plan Policy DP6.

6. Housing Policy Chapter

Opening paragraphs

I find the opening paragraphs of the chapter confusing. They relate to development that has taken place in and around Haywards Heath but it is unclear which sites are in the parish and which are not. The paragraphs will also soon be out of date. I would recommend that these opening paragraphs be used to 'set the scene' for development past, present and future but without the details. Also paragraph 9.12 refers to planning permissions granted outside the town and if the information is to be used would be better located in the opening paragraphs.

Housing objective

Information on the status of the Mid Sussex Local Plan should be included. (I accept this may be located elsewhere in the HHNP as I only have the Housing Policies. However there should be an explanation of what is meant by the Mid Sussex Planning Policy for this objective).

Existing commitments

This is useful information as the District Plan sets the baseline for the housing target from 1 April 2014. Perhaps the detailed table would be better placed in an Appendix?

Housing Allocations

The Chapter then goes on to allocate 7 sites for housing development (including two as mixed use sites.) However I have no evidence before me that indicates that a robust assessment of potential sites has been carried out. Guidance on the methodology to assess sites is set out in the NPPG and the guidance states that parish/town councils may use the methodology to assess sites but any assessment should be proportionate. However all sites allocated should be suitable, available and achievable (including viability). The guidance also states that parish councils may refer to existing site assessments prepared by the local planning authority when identifying sites to allocate within a neighbourhood plan. Whilst the draft housing policy document states that all sites located outside of the built up area have been assessed as part of the preparation of the SEA, this document is not yet available.

As mentioned above, the HHNP has used information from the SHLAA to inform the site allocations. Site H1 and H2 are both assessed as being suitable, available and achievable within the timescales 6-10 years and over 11 years. However Site H3 is indicated as currently not developable because it appears no suitable alternative site has been found for the playing fields. I understand that the Town Council has been in discussion with the site owners of H3 and the land is now available but robust evidence and justification is required to indicate this site is now developable. Sites in Policies H4 to H7 are indicated as brownfield sites. All are indicated as suitable, available and achievable in the SHLAA although further

work is required on site ownership and legal issues in relation to site H5 Beacon Heights (SHLAA site 329, 4 Church Road).

It would appear that there has been no consultation on the proposed allocations either with the District Council or with the community. I understand that a meeting has been arranged with the District Council very shortly. However the Town Council should consider consulting the community prior to the formal 'Regulation 14 consultation' so that any issues can be addressed before that stage of the process.

For each of these allocations I would recommend an opening paragraph on the characteristics of the site rather than launch straight into the policy. For example the Hurst Farm site policy contains requirements for employment, schools, etc. but with no explanation. For each of the sites there needs to be a location plan and details of site size. Each site has been allocated a number of dwellings but uses the terms, 'up to', and 'approximately'. Given that there is a possible issue with providing sufficient homes within the NP area could this be changed to a minimum number of dwellings? This would be more in line with NPPF in promoting sustainable development. I am unsure why the term 'strategic' has been used in policy H1 and H2 but not in H3.

Policy H3 refers to an allocation of 'new housing development and school playing field' and then mentions a replacement school playing field. This part of the policy lacks clarity.

Policy H7 contains a description of the site in the 2nd bullet point which should be moved to supporting text.

Paragraph 9.19 refers to shortfall in housing numbers and is not part of policy H8.

Paragraph 9.23 should be the start of a new section

Paragraphs 9.27 to 9.29 appear to relate to section 106 and CIL contributions arising from housing development. Further work or information is required on these areas.

7. Housing numbers

As mentioned in paragraph 5 above, the objectively assessed housing need for Haywards Heath is indicated as 2107 dwellings over the Plan period. The Town Council have attempted to meet this target through housing allocations, windfall sites, existing planning permissions, sites where it is not clear if they are developable and a proportion of the strategic site at Burgess Hill to 'make up the numbers'. However the HEDNA and the District Plan state there may be constraints which mean this target cannot be reached. NPPG also states that whilst plan makers should not apply constraints to the overall assessment of need, these considerations will need to be addressed when bringing evidence bases together to identify specific policies.

The HHNP identifies that 1309 dwellings can be provided within the Plan period within the NP boundary.

These are:-

504 existing commitments

620 Greenfield sites

57 Brownfield sites

128 Windfall Sites.

Whilst the strategic development at Burgess Hill would assist in meeting in part, the housing need arising in Haywards Heath (and surrounding parishes), there is no reason to include an arbitrary number from this allocation to reach the figure in the HEDNA.

The figure of 211 dwellings from the SHLAA document which indicates sites which could be developable should also not be included as in all cases land ownership and or availability is unknown.

8. Summary and Recommendations

My recommendations based on the questions asked are as follows:-

- a) Are the housing policies robust and will they 'stand up' to independent examination?

No, not with the information given to me.

Evidence of a robust assessment of available sites is required so that the selected sites can be justified including the numbers of dwellings to be accommodated on each site.

Consider a stage of community consultation on the allocated sites.

Amendments are required to policy wording and supporting text as mentioned so that policies are clear and unambiguous.

Further work is required on section 106 and CIL contributions if these are to be part of the housing policies.

- b) Is it acceptable to use housing numbers (459/587) from the nearby Burgess Hill strategic site to meet Haywards Heath housing need?

No, I don't believe this is necessary for the reasons stated in the report.

- c) Is it necessary to carry out a local housing needs assessment?

No, I don't believe this is necessary as the HEDNA provides sufficient evidence.

- d) Is it acceptable to allocate sites in the HHNP where there is no indication from the owner that the site is likely to be brought forward for development?

No, as sites must be available. The Town Council could attempt to ascertain ownership on sites they would like to see developed.