

Contact:

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Your Ref:

Our Ref: GW/CT

Date:

20 December 2013

Sir Michael Pitt
Chief Executive
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Dear Sir Michael,

Mid Sussex District Plan Examination - Formal Complaint

I refer to the letter of 2nd December 2013 from our appointed Inspector, Mr David Hogger, in which he set out his conclusions on whether Mid Sussex District Council had met its 'Duty to Co-operate when preparing its District Plan.

We are obviously very disappointed that Mr Hogger has concluded that the Council has not met this Duty. We have worked hard for many years to formulate a Plan that achieves a good balance between economic growth and protecting the special characteristics of Mid Sussex. We have listened carefully to the views of local people when developing our Plan and consequently it has **strong community support**. The delay in its progress to adoption which we now face is causing significant distress in the district. Importantly it is also undermining the confidence of our residents in the planning system.

Mr Hogger acknowledges in his letter that there may be consequences of his decision in terms of the Council being unable to meet its 5 year housing land supply requirement. As a consequence our community is feeling vulnerable to speculative developers and our residents are losing confidence in the Government's commitment to localism. Mid Sussex was recently described by the Under Secretary of State for Planning, Nick Boles MP, as "a hotbed of neighbourhood planning". Twenty parishes, that is 100% of the local councils in Mid Sussex area, have neighbourhood plans under preparation. However, the bombardment of the district by developers seeking permission for houses on unallocated greenfield sites is undermining these neighbourhood plans and discouraging parishes from committing their resources to producing them.

Working together for a better Mid Sussex

Councillors and residents feel strongly that the Planning Inspectorate is not being consistent in its interpretation and expectations in relation to the Duty to Co-operate and is giving mixed messages. We have seen other authorities in the area appear to be 'waved through' the test on the basis of significantly less evidence of co-operation than we were asked to produce and with much less scrutiny of that evidence. Specific examples of this are Hastings, Brighton & Hove and Reigate & Banstead. None of these councils were asked to produce a 'framework' for their Duty to Co-operate work, merely to record the discussions held and their outcomes. In the case of Reigate & Banstead, significant weight was placed by the Inspector on a Statement of Common Ground signed with Crawley Borough Council after submission of the Reigate Plan in order to overcome an objection by Crawley. This contrasts with the approach in Mid Sussex where Mr Hogger has taken no account of work done post-submission.

Brighton & Hove City Council and Reigate & Banstead Borough Council are still awaiting their Inspectors' final decisions. However, in both cases, their Inspector took a 'preliminary view' on whether they had passed the legal test at the beginning of the examination, but reserved their position on their final view until they had heard all the 'soundness' evidence. This was because they felt they could not judge whether the right outcomes were achieved from the Duty to Co-operate until they had heard evidence on the capacity and constraints of the area.

This contrasts with the approach taken in Mid Sussex, where Mr Hogger considered that there was little evidence that the Council had approached the Duty to Co-operate "in a helpful and positive way, or that appropriate conclusions were drawn from these meetings and acted upon".

Mid Sussex District Council has robustly planned to meet its own objectively assessed needs, and on top of this to accommodate further growth to support a 3% per annum economic growth in the area. This is in contrast to all the other authorities in the area who are either proposing to provide less than they need or just to meet their own needs with no margin for growth.

The stance taken by Mid Sussex in its discussions with neighbouring councils is that it is not able to accommodate any of their unmet housing needs. We believe this is a reasonable one given our constraints (60% of the area is either AONB or National Park and the district is also constrained by the Habitats Directive due to the adjacent Ashdown Forest SPA).

However, Mr Hogger seems to have made a judgement that Mid Sussex did not have a positive or constructive approach to cross boundary discussions, without hearing any of the evidence about the capacity and constraints of our district to accommodate additional growth. This seems to us to be grossly unfair.

I understand that officers have approached the Planning Inspectorate to request that Mr Hogger shares with us his thoughts on the content of the District Plan so that we can ensure that, whilst we do further work on the Duty to Co-operate, we also address any concerns he had with the Plan itself. It would also be helpful to have a face-to-face conversation with Mr Hogger so we could fully understand his concerns about how we approached the Duty to Co-operate. This would minimise the chance of further delays once the Plan is re-submitted for examination. However, officers have been informed that it is not PINs' policy to share this information or provide this sort of feedback. This is contrary to the message we were given at a recent meeting with DCLG officials in which it was explained that PINs was willing to work with councils to assist them in producing plans that would be found sound. We are clearly disappointed with this reaction as it is not in the spirit of constructive working relationships, particularly as other local authorities in the area (such as Brighton) have been given clear guidance on what work needs to be done to make their Plan sound.

Therefore, I request that the position of PINs on feedback from Mr Hogger be reconsidered. In addition, I formally request that the PINs provides us with feedback from the pre-submission visit conducted by Simon Emerson on 29 January 2013, as this would also greatly assist us in understanding the further work necessary to get our Plan ready for resubmission.

In conclusion, this Council believes that the Inspector's decision was erroneous and has created a substantial obstacle in our moving forward. Consequently, I would be grateful if you could treat this letter as a formal complaint incorporating formal requests for feedback and support from PINs as outlined above.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Garry Wall', with a stylized flourish at the end.

Councillor Garry Wall
Leader of the Council

cc: Nick Boles MP, Nicholas Soames MP, Nick Herbert MP and Francis Maude MP.