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## HEARING STATEMENT ON BEHALF OF LEGAL & GENERAL (STRATEGIC LAND NORTH HORSHAM) LTD

### Reg 19 Response No. 1192075

#### Response to Inspector's Matter 8:

**Issue 1, Q1 – Whether the housing requirement is justified, effective, consistent with national policy and positively prepared?**

**Issue 2, Q2, Q5 & Q6 – Whether the overall housing land supply and site selection process is justified, effective, consistent with national policy and positively prepared?**

1.1 It is Legal & General's position in respect of the approach to housing land supply that:

- a. Strategic Policy 37 and the housing trajectory do not accurately reflect the number of homes from committed sites, such as Mowbray ('Land North of Horsham'), and when they will come forward pursuant to the terms of the extant planning permission. **[I1, Q1; I2, Q2]**
- b. Housing delivery from committed sites should be optimised and recognised in the housing land supply and housing trajectory. This, in turn, would see a greater number of homes being delivered from sites that already have planning permission and are delivering new homes, such as Mowbray, within the Plan period. **[I1, Q1; I2, Q2]**
- c. Evidence has been provided to demonstrate that 500 additional homes can be accommodated within the OPP in addition to 60 at Cuckmere Farm (within the HDPF allocation boundary). The total of 560 homes should be reflected in Strategic Policy 37, the housing trajectory and housing supply figures. **[I1, Q1; I2, Q2]**
- d. The allocation of additional homes to Mowbray is appropriate as the Site has already completed significant infrastructure improvements and is delivering new homes and facilities. The new homes will come forward within the allocation boundary as part of each of the three approved Phases within the Plan period. This should be reflected in the housing trajectory. **[I1, Q1; I2, Q2]**
- e. If all homes approved at Mowbray come forward in line with the extant OPP plus the uplift, this would see over 3,200 homes within the Plan period against the LPA's projection of 2,057 homes. The difference between the homes the Site could deliver in compliance with the extant OPP and a limited uplift, is over half of the homes that the LPA is claiming it cannot meet (some 1,204 homes against an unmet need figure of 2,275 homes). **[I1, Q1; I2, Q2]**

- f. The stepped trajectory does not recognise the significant number of homes that will come forward at Mowbray in the first five years of the Plan owing to its agreed water neutrality solution. Nor those that will subsequently be delivered in years 6-15. **[I2, Q5& Q6]**
- g. L&G has concerns regarding the 'saving' of HDPF policies in respect of Mowbray, some of which are out of date by virtue of the OPP. A new policy/ policies or amendment to draft Strategic Policy 37 are required to provide an appropriate policy framework for Mowbray moving forward. **[I1, Q1; I2, Q2]**

### **Housing Trajectory**

- 1.2 Draft Strategic Policy 37 provides for 'at least 2,000 homes' from Mowbray. Mowbray has outline planning permission (LPA reference DC/16/1677: 'the OPP') for 2,750 homes. Of these 390 homes have Reserved Matters approval and are under construction (with 150 now occupied). A further 391 homes are submitted but held in abeyance owing to water neutrality with a contract in place for the next 206 homes for which an application for Reserved Matters approval is due to be submitted imminently. This leaves approximately 2,000 homes to come forward pursuant to the OPP. Draft Strategic Policy 37 and the housing trajectory (provided in diagrammatic form at Figure 6 and in detail in Appendix 1 of document HDC03) do not recognise all homes submitted for approval and shows only 2,057 of the 2,750 homes approved coming forward by 2040 when the OPP will lapse prior to this. It also spreads this figure across the Plan period, providing 127 homes per annum.
- 1.3 The LPA has sought to simplify the housing trajectory by providing consistent annual averages for sites. This is an understandable starting point given the number of sites and complexities. However, in reality the number of homes will fluctuate, sometimes significantly so and particularly for sites such as Mowbray that are being brought forward by a master developer and where multiple different housebuilders will be building out homes at any one time and across tenures.
- 1.4 As the LPA is seeking to progress with a stepped housing trajectory and is claiming that it cannot meet its housing needs in full, it is important that the housing trajectory accurately reflects how sites will come forward, not least where there is an extant planning permission being relied upon.
- 1.5 The extant OPP at Mowbray requires applications for all Reserved Matters to have been submitted by March 2030 (Condition 3) with construction to commence within two years thereafter (Condition 4). Whilst construction will extend beyond the two-year implementation period, in line with the extant OPP, it is unlikely that this would extend much beyond 2036/37. Stretching housing delivery at Mowbray beyond the end of the Plan period (i.e. 2040) does not reflect the terms of the extant OPP and ought to be revised to show all completions pursuant to the extant OPP by 2036/37.

### **Uplift in Homes**

- 1.6 Draft Strategic Policy 37 provides for an additional 500 homes (including 60 homes at Cuckmere Farm) to be allocated to Mowbray in addition to the 2,750 homes as per the extant OPP, a total of 3,250 homes. It is L&G's evidenced position that the 500 additional homes can be accommodated within the red line boundary of the OPP. Cuckmere Farm sits outside of the OPP boundary but within the HDPF allocation and would be in addition to the 500 homes within the red line. As such, the total additional allocation to Mowbray should be 560 homes.

- 1.7 The significant upfront infrastructure required to bring forward strategic sites and new homes has already been completed at Mowbray including new schools, roads, highway upgrades, greenspaces and play areas. Further facilities are approved (community centre, sports hub) and due to commence shortly and others planned (supermarket, village centre). Optimising delivery of new homes from a site already under construction represents a 'low risk' approach to housing delivery in the District and should be prioritised over new allocations.
- 1.8 The capacity work undertaken demonstrates how the 500 homes can be accommodated within the OPP red line as part of each of the three approved residential Phases whilst remaining in accordance with the OPP Parameter Plans (height, density etc). These homes would be delivered as part of each of the Phases. Phase 1 is under construction with 150 homes now occupied. The OPP indicatively envisaged 1,000 in Phase 1. The capacity work demonstrates that 1,200 homes could be comfortably accommodated. Phase 2 was indicatively envisaged to provide 1,000 homes which would be uplifted to 1,150 homes and Phase 3 from 750 to 900 homes.

### **Strategic Policy 37 Amendments**

- 1.9 There are clear drafting errors in the wording of Strategic Policy 37 in respect of Mowbray in the Regulation 19 Local Plan (January 2024 – SD01). The LPA has proposed amended wording in its Schedule of Suggested Modifications (Version 2: November 2024 – SD15). This confirms the LPA's view that Mowbray can accommodate 3,250 homes (see modification HM047) which L&G supports. However, further modifications are required to:
- i. Include the additional 60 homes at Cuckmere Farm to provide for a total of 3,310 homes from the allocation; and
  - ii. Provide for all of these homes within the Plan period.
- 1.10 This recognises the timeframes associated with the extant OPP and the manner in which the additional homes will come forward (i.e. as part of the Phases; Phase 1 being already under construction). Whilst a new planning permission would be required to capture the uplift in homes, this could be when the number of homes approved through the extant OPP has been exhausted (i.e. in Phase 3) in early/ mid-2030s and would still see all homes delivered in the Plan period.

### **Housing Requirement/ HDC's Unmet Housing Need**

- 1.11 The LPA is claiming that it cannot meet all of its housing need within the Plan period. The scale of unmet need is identified as 2,275 homes across the Plan period. Taking the homes already approved at Mowbray and the additional 560 homes that can be accommodated within the Site, this would provide for c. 1,200 homes in excess of those assumed in Strategic Policy 37 and the housing trajectory. In line with the manner in which the Site is being brought forward and the extant OPP, these homes can all come forward within the Plan period, accounting for over half of the District's unmet need through a Site where upfront, enabling infrastructure is complete and new homes and facilities are already being delivered.

### **Housing Supply (Years 1-15)**

- 1.12 As per L&G's Matter 3 Statement, L&G maintains that committed/ delivering developments should not be required to demonstrate water neutrality. However, as this position is yet to change, and to facilitate the short-term release of homes, L&G has secured a private offsetting agreement. This will allow over 500 homes to demonstrate water neutrality and would see homes from Mowbray making a significantly greater contribution to housing land supply in the first five years of the Plan. In combination with SNOWS, to which Mowbray should have priority access in line with the terms of the OPP (or such other offsetting or alternative water supply), this would continue into years 6-10 and beyond to years 11-15.
- 1.13 It is clear that Mowbray can and should be relied upon to deliver more homes in the Plan period. It is unclear as to the Council's justification as to why this is not recognised and why the current trajectory provides a low, annual delivery figure that would see the OPP lapse before the homes have come forward. Moreover, why the additional homes the Site can accommodate are not included within the Plan period. The LPA recognises that Mowbray can supply at least an additional 500 homes. It is L&G's evidenced position that these homes can come forward in years 1-15 of the Plan. Strategic Policy 37 and the supporting housing trajectories should be updated to reflect this.

### **Policy Approach to Mowbray**

- 1.14 Whilst new strategic allocations within the draft Local Plan have been provided with specific policies, the LPA is proposing to save policies from the Horsham District Planning Framework (2015: 'the HDPF') in respect of Mowbray. Namely, Policies SD1 to SD9. Reference in the Schedule of Suggested Modification is also made to the 'Concept Masterplan Map' (reference HM047). The HDPF policies set out the principles of the strategic development and provide a framework against which to assess an outline application. The OPP was approved in 2018. The policies have served their purpose in this regard. The quantum of homes in the policies and Concept Masterplan Map were superseded by the OPP which secured approval for 2,750 homes (against a policy of at least 2,500) and was based on a set of parameters that differed from the Concept Masterplan Map. With the additional 560 homes, taking the total to 3,310 homes, the HDPF policies and Masterplan Map are now notably out of date.
- 1.15 Whilst L&G supports the clarity the LPA has sought to provide through the Proposed Modifications to draft Strategic Policy 37, it continues to question the merit of saving such out of date policies.
- 1.16 The strategic principles of the HDPF policies are embedded within the OPP. The uplift in homes will come forward as part of each of the OPP Phases and in accordance with the principles established through the OPP and adopted policy provisions and materials considerations relevant at that time. To capture this, L&G's suggested approach would be a new strategic policy for Mowbray that reflects the status of the Site, the homes to be delivered pursuant to the OPP, the additional homes to be delivered and the overall approach (i.e. landscape-led etc) as per our Regulation 19 representations (see paragraph 3.33).
- 1.17 Further amendment to Strategic Policy 37 would be required to remove reference to 'saved' policies from the HDPF. This would be in addition to the amendments set out above to accurately reflect the number of homes that remain to be delivered at Mowbray pursuant to the extant OPP, within the timeframes of the OPP and accounting for the additional homes the Site can accommodate during this Plan period.