

## Report to Cabinet

15 July 2021

By the Cabinet Member for Planning and Development

**KEY DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

### **Horsham District Local Plan 2021 - 2038: Regulation 19 Consultation**

#### **Executive Summary**

It is a legal requirement that Horsham District Council prepare a Local Plan. A draft plan has therefore been prepared which sets out the proposed strategy for considering development proposals in the District for the period 2021 to 2038. This report sets out further detail on the Local Plan preparation process, and seeks agreement that the document be agreed as Council policy and be published for a formal period of comment in accordance with the relevant planning regulations, before being submitted to the Planning Inspectorate for an independent examination of the Plan.

#### **Recommendations**

It is recommended that the Cabinet agree to recommend to Council that it:

- i) Approves the Horsham District Local Plan Regulation 19 document as the Council's policy for planning for the future of the District for the period 2021-2038.
- ii) Publishes the Horsham District Local Plan Regulation 19 document together with the Sustainability Appraisal, Habitats Regulation Assessment and Policies Map and other supporting evidence base documents for a six-week period of representation from Friday 10 September 2021 to Friday 22 October 2021.
- iii) Submits the Horsham District Local Plan to the First Secretary of State for examination following the six-week representation period, together with Regulation 19 representations submitted to the Council.

#### **Reasons for Recommendations**

- i) The recommendations are required to ensure that the Council meets the statutory requirement to carry out a Local Plan review, and to meet the requirements in the Town and County Planning (Local Planning) England Regulations 2012.
- ii) It is both legally necessary and appropriate to invite public and stakeholder participation in the preparation of a new Local Plan for Horsham District. Part of the statutory process is to allow representations to be made on the Local Plan before it is submitted to the Secretary of State.
- iii) To enable the Local Plan to progress to independent examination.

## **Background Papers**

Local Plan Issues and Options – Employment, Tourism and Sustainable Development, April 2018 and summary of representations:

<https://www.horsham.gov.uk/planning/local-plan/local-plan-review-issues-and-options>

Horsham District Local Plan 2019-36 Public Consultation (Regulation 18)

Horsham District Local Plan Regulation 18 Consultations –2020 (Website links) and summary of comments received:

<https://www.horsham.gov.uk/planning/local-plan/regulation-18-consultation>

Horsham District Council Local Development Scheme:

<https://www.horsham.gov.uk/planning/planning-policy/local-development-scheme>

Horsham District Council Statement of Community Involvement:

<https://www.horsham.gov.uk/planning/planning-policy/statement-of-community-involvement>

Local Plan Evidence Base:

<https://www.horsham.gov.uk/planning/local-plan/local-plan-review-evidence-base>

**Wards affected:** All

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## Background Information

### 1 Introduction and Background

- 1.1 All Local Planning authorities are required to produce a Local Plan to ensure the economic, housing, social and environmental needs for the District are met. Local Plans must be reviewed at least once every five years to ensure that Local Plans are kept up-to-date. The Council is therefore in the process of undertaking a review of the current Local Plan (known as the Horsham District Planning Framework).
- 1.2 The Government is requiring an unprecedented increase in the number of homes that are built, and the new Local Plan will have to consider how to meet this challenge, together with meeting economic and environmental needs for the future.
- 1.3 This Council commenced the Local Plan review process in 2018, with an Issues and Options consultation held between 6 April 2018 and 25 May 2018. This consultation focussed on the future economic strategy, together with sustainable rural development and tourism issues. In addition, a call for development sites was held during 2018 with an updated Strategic Housing and Economic Land Availability Assessment (SHELAA) published in 2019. This consultation was followed by a further Issues and Options consultation, known as the Horsham District Local Plan Regulation 18 consultation, which was held between 17 February 2020 and 30 March 2020.
- 1.4 The preparation of the Horsham District Local Plan Regulation 19 document has taken account of the outcome of the Issues and Options consultations. In addition, a number of updates have been made to the Council's evidence base over the course of 2020 and 2021. This work has informed the content of the draft Regulation 19 Local Plan, which includes sites proposed for allocation for housing development. Section 3 of this report sets out more detail on the content of the plan and the supporting evidence base.

### 2 Relevant Council policy

- 2.1 The Horsham District Corporate Plan provides a focus for the Council's activities and sets out clear priorities for the Council in the period to 2023. There are five key goals:
  1. **A great place to live:** Continue creating well-balanced communities that meet residents' needs.
  2. **A thriving economy:** Work to increase economic growth and create new local jobs.
  3. **A strong, safe and healthy community:** Ensure Horsham District remains one of the best places in Sussex to live.
  4. **A cared for environment:** Prioritise the protection of our environment as we move to a low carbon future.
  5. **A modern and flexible council:** Make it easy for our residents to access the services that they need.

The Corporate Plan influences all areas of the Council's work. In relation the Local Plan, it provides a clear direction when setting the future planning objectives for this area.

- 2.2 In June 2019, the Council approved the Notice of Motion below. This provides a steer for the Council to ensure that we actively contribute to achieving a net zero carbon target through our activities.

*“We agree that there is growing public concern in the face of recent dire warnings from the World Scientific community that we are facing a wide range of environmental issues including a climate emergency. These concerns include matters such as pollution of the oceans, climate change, single-use plastics, disposal of waste, air pollution, deforestation and biodiversity loss and we support action to tackle these matters.*

*This council has an excellent record of dealing with environmental matters, particularly in the area of waste, recycling and biodiversity and we shall be developing and auditing the council’s activities to see what further practical changes we can implement in the form of a plan to reflect best environmental practice and work towards a net zero carbon target.*

*We acknowledge that we shall need to continue with public engagement and involvement and that resources will be required to underpin and support new initiatives that we undertake”.*

### **3 Details**

#### **The Horsham District Local Plan 2021- 2038**

- 3.1 The draft Horsham District Local Plan 2021 -2038 Regulation 19 document is attached to this report as Appendix 1. The document is structured as follows:

*Chapter 1: Introduction*

- 3.2 This chapter introduces the Horsham District Local Plan Regulation 19 document. It contains the proposed dates and details regarding the formal ‘period of representation’.

*Chapter 2: Planning Context*

- 3.3 This section of the document sets out the context in which the Local Plan has been prepared. This includes reference to the National Planning Policy Framework (NPPF) which sets out a number of key requirements which Local Plans must meet and has been the starting point for the preparation of this plan. The chapter also covers the geographic context for the District, introducing the Gatwick Diamond. Finally the chapter also covers the Council’s own Corporate Plan priorities and the local context of Neighbourhood Plans.

### *Chapter 3: Spatial Vision and Objectives*

- 3.4 This section provides more detail about Horsham District and the challenges that it is facing. This is used to set the vision for the District. This is followed by a series of objectives to help deliver the vision. The key sections of the plan which cover each objective are signposted within the document.

### *Chapter 4: Policies for Growth and Change*

- 3.5 This chapter sets out the overarching strategy to meet the development needs of the district. This includes the identification of a settlement hierarchy which seeks to direct development to the locations with the most services and facilities in the first instance. Where it is necessary to identify land for development outside existing settlement boundaries, this chapter sets out the overall approach and criteria by which this will be considered, including the selection of a new settlement location.

### *Chapter 5: Economic Development*

- 3.6 This section of the Local Plan contains policies which will protect and enhance the economy, and help the District recover from the Covid-19 pandemic. Key business areas already in the District will be protected for commercial use, and the strategy seeks to enable businesses in urban and rural parts of the district to grow and expand. This includes the identification of additional land to provide new employment floorspace. It is anticipated this will allow many existing businesses in the District to remain located in the District, and help provide jobs that are close to where people live.
- 3.7 This chapter also recognises that the economic health of the District is wider than providing office space and industrial spaces. This chapter also includes policies on Tourism and retail.

### *Chapter 6: Housing*

- 3.8 In recent years, the Government has made it clear that there is an expectation that local plans deliver a step change in housing delivery. The draft Horsham District Local Plan Regulation 19 document therefore identifies the number of homes that are expected to be delivered in Horsham District. Paragraph 11 of the NPPF states that

“Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The need to prepare a strategy that meets objectively assessed needs and is informed by agreements with other authorities is also reiterated in para 35 of the NPPF (see paragraph 4.2 of this report).”

- 3.9 The housing target set out in this Local Plan is based on the Government’s ‘Standard Housing Methodology’ for calculating housing needs. At the current time, this baseline figure is 897 homes per year. Section 33A of the Planning and Compulsory Purchase Act 2004 places a legal requirement on Local Planning Authorities to co-operate with other bodies and organisations on strategic or cross boundary issues. This is commonly referred to as the Duty to Co-operate and continues until the plan is submitted for examination. As part of this duty, it is necessary for this Council to seek to understand the extent to which neighbouring authorities can meet their own housing or other needs.
- 3.10 As part of the Duty to Co-operate process that has been ongoing throughout the Local Plan preparation process to date three authorities have written to this Council to formally set out that they have unmet housing needs. These are Crawley Borough Council Worthing Borough Council and Mole Valley District Council.
- 3.11 Taking account of a number of considerations including the ability of the District’s housing market to accommodate new homes, together with the timescales for the delivery of supporting infrastructure, it is considered that there is some limited potential to meet the housing needs of other authorities. The housing target set out in the local plan is therefore set at 1,100 homes per year. It is proposed that there will be a ‘stepped trajectory’ with a housing target of 900 homes in the first five years of the plan, rising to 1,180 homes per year for the remaining 12 years.
- 3.12 As well as considering the quantity of homes which the Council can realistically contribute towards meeting unmet needs, consideration has been given to the geographical relationship Horsham District has with the wider sub region, to establish how the unmet needs from these areas can be most effectively met in the context of Horsham District. In terms of the economic and housing market, the closest relationship this District has is with Northwest Sussex, which also includes Crawley Borough Council. A proportion of the south east of the District is also located in the coastal West Sussex and greater Brighton housing and economic market. Although geographically close, this District has very limited economic and housing links to Mole Valley, in Surrey. The plan has therefore prioritised meeting the unmet housing needs for Crawley in the first instance and is able to accommodate 193 homes a year. This leaves approximately 20 homes a year towards meeting Worthing’s unmet needs. It is considered that this approach contributes to demonstrating that the legal Duty to Co-operate requirement placed upon the authority and those set out in the NPPF have been met.
- 3.13 In order to meet the housing target set out in the Local Plan, it is necessary to allocate land across the district for housing development. The document therefore sets out a number of draft housing allocations which is based on the settlement hierarchy outlined in Chapter 4. This focusses highest levels of development to the largest settlements such as Horsham, Southwater and Billingshurst as far as this is possible. Smaller allocations equating to at least 2,200 homes are identified in a number of other villages and towns in the District to help support community services and facilities and allow these smaller settlements to remain thriving communities. In order to meet the Government’s housing target, a new settlement has also been identified

as being necessary. Policy 14 of the draft Local Plan identifies how it is proposed that the housing targets for the Local Plan will be met. This includes the following new strategic housing allocations (together with the number of homes to be delivered in the Plan period):

- Land West of Ifield, Crawley: 3,250 homes
- Land West of Southwater: 1,200 homes
- Land East of Billingshurst: 650 homes
- Land at Buck Barn, (new settlement near West Grinstead): 2,100 homes.

It should be noted that the proposals at Buck Barn are for a settlement of around 3,000 homes, but the total quantum of this development cannot be delivered in the plan period.

- 3.14 The policy also identifies other means by which housing will be delivered in the plan period. This includes land which already has planning permission but has yet to be built out and windfall development. In addition, it is considered that there is capacity for a further 500 homes within the existing Land North of Horsham allocation, and where the principle of development has now been established.
- 3.15 In addition to the policy setting out how the Council will meet the Government's housing targets and requirements, this chapter also contains a range of policies which set out how the Council will ensure that the homes which are built are of a high standard. This includes ensuring the homes which are provided are a mix of sizes and types including 2 to 3 bedroom homes for families and those who are downsizing. There is an expectation that homes that are delivered are affordable for local residents, that strategic sites provide a minimum of 35% affordable housing, and that smaller developments of over 10 units or exceeding 0.5 hectares deliver a minimum of 45% affordable units. In line with recent changes to national policy, a proportion of these will be delivered as 'First Homes'.
- 3.16 This chapter also identifies how the Council envisages meeting its identified Gypsy and Traveller needs. This is proposed to be met through strategic allocations, intensification of existing sites followed by the allocation of a new site.

#### *Chapter 7: Conserving and Enhancing the Natural Environment*

- 3.17 Horsham District has a high quality environment. However when compared with much of the south east it has relatively few 'absolute' constraints such as nationally designated landscapes, nature conservation designations (e.g. SSSIs) or land at risk from flooding. This does not mean that the environment of the District is not valued, but it does mean that it comes under more pressure for change and development than many other local authority areas. The policies in this chapter recognise this pressure and seek to ensure that the environment is protected and enhanced as far as is possible. In addition, where development does occur it does so in a way which respects the local environment and brings forward environmental enhancements including a minimum 10% biodiversity net gain.

#### *Chapter 8: Development Quality, Design and Heritage*

- 3.18 Horsham District has a rich cultural history and much of the built environment of the District is very historic in nature. This has a key role to play in attracting people to

live, work and visit the area. In addition, it is recognised that new development is designed in such a way to ensure that development enhances and complements local character, landscape and open spaces, and ensure that environmental mitigation is incorporated into development. This chapter sets out policies to ensure that the historic environment is protected and enhanced and ensure that new development which takes place delivers attractive, vibrant and functional communities with a distinctive sense of place.

#### *Chapter 9: Climate Change and Flooding*

- 3.19 The need to mitigate and adapt to climate change is a key objective of this plan. This chapter sets out policies to ensure that development proposals contribute to achieving net zero carbon emissions by 2050 at the latest, and ensuring that development is adapted to future changes in the climate. This includes policies which set out enhanced criteria when compared with the current HDPF, and seek to ensure that developers consider and provide low carbon energy sources as part of their developments, use of sustainable construction methods including low emissions and on site renewables. Development must also ensure that development which takes place is not at risk from flooding now and in the future, taking account of the increased risk from flooding as a result of climate change.

#### *Chapter 10: Infrastructure, Transport and Healthy Communities*

- 3.20 This chapter seeks to ensure that new development which takes place meets the needs of the new communities and provides community services and facilities, including provision for education, health care, sports facilities and open space. In terms of transport, there is an expectation that the need to travel is reduced in the first instance, with the layout of development designed to ensure greater emphasis is given to non-car based transport including walking and cycling whilst still recognising that journeys will continue to be made by car, and ensuring that necessary upgrades to the transport network are provided. There is a requirement that electric vehicle (EV) charging points are provided for as standard for every new dwelling.

#### *Chapter 11: Housing Allocations*

- 3.21 This chapter sets out the detailed housing allocation policies. The policies cover both strategic and smaller site allocations. This includes a policy which sets out the general development principles which it is expected that sites conform to, such as landscape led development and high quality design. Each separate allocation then sets out additional site specific criterion. Together these policies will ensure that the development which does come forward is of a high quality, and that (read together with other Local Plan policies) appropriate infrastructure improvements, including green infrastructure, are delivered alongside development.

### **Policies Map**

- 3.22 The production of a Policies Map is a specific requirement of the Town and Country Planning (Local Planning) (England) Regulations 2012. The map is a geographical expression of the policies contained primarily within the Local Plan. The Council already has an adopted Policies Map (which accompanies the Horsham District Planning Framework and Made Neighbourhood Plans). The main changes to the

policies map are outlined in Appendix 2. These changes are primarily the new housing and employment allocations. If agreed for publication, the full suite of policies maps will be published together with the Local Plan document and other supporting documentation.

### **Local Plan Evidence Base**

- 3.23 It is a requirement of the NPPF that the preparation and review of Local Plan policies is underpinned by relevant, up-to-date and proportionate evidence. The following paragraphs outline key elements of the evidence base which have helped to inform the preparation of this plan. The evidence base prepared by the Council will be available on the Council's website as part of the Regulation 19 consultation. <https://www.horsham.gov.uk/planning/local-plan/local-plan-review-evidence-base> A list of evidence base documents is appended as Appendix 3.

#### *Sustainability Appraisal and Strategic Environmental Assessment*

- 3.24 In accordance with legislation, the preparation of the Horsham District Local Plan Regulation 19 documentation has taken account of the findings of the Sustainability Appraisal (incorporating Strategic Environmental Assessment) and the Habitat Regulations Assessment. The Sustainability Appraisal report identifies the social, environmental and economic effects of the options and a range of different alternatives for the Council's development strategy. This includes a number of different means of delivering the spatial strategy and alternative sites or combination of sites. The study has concluded that the Local Plan sets out a positive approach to achieving sustainable development which will help meet the needs of the local community up to 2038. A positive outcome identified in the Sustainability Appraisal is the ability of the plan to help address the need for housing in the area, and deliver new affordable homes as well as contributing to the unmet need of neighbouring authorities. The Sustainability Appraisal identifies that many of the sites proposed for allocation are on greenfield sites which has the potential without mitigation to give rise to adverse environmental impacts. However the policy safeguards that have been incorporated into the Local Plan will mean that the potential adverse effects that would otherwise arise can be mitigated. The document also identifies mechanisms as to how any impacts arising from the plan could be offset, reduced or mitigated. This has helped to ensure that the policies within the Local Plan are as sustainable as possible. A non-technical summary of the Sustainability Appraisal is attached to this report as Appendix 4.

#### *Habitat Regulation Assessment*

- 3.25 It is also a legislative requirement that the Council undertake a Habitat Regulation Assessment in order to assess the impact of the proposed plan on sites of international importance, and in particular key sites designated a Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). An assessment of the proposed scale and location of development in the District has indicated that without mitigation there would be potential to harm these habitats. However, a number of mitigation measures have been incorporated into the plan including bat sustenance zone, policy mechanisms to ensure that appropriate bird surveys are undertaken and the potential provision of replacement habitat, if required. Other policy provisions seek to limit as far as possible water use and abstraction arising from new

development and minimise the reliance on cars which contribute to nitrogen dioxide emissions. These measures seek to ensure that the integrity of a number of nature conservation sites of international importance are not affected. A non-technical summary of the Habitat Regulation Assessment is attached to this report as Appendix 5.

### *Site Assessment & Housing Delivery*

- 3.26 In order to meet the future housing and employment needs of the District, it is necessary to allocate new land for development. In order to help identify land which is available for development, the Council held a 'call for sites' in 2018 where landowners and developers had an opportunity to promote land to the Council. There was a further opportunity to promote land to the Council as part of the Regulation 18 Local Plan consultation held in February and March 2020. In total over 800 sites have been considered by the Council during the Local Plan preparation process.
- 3.27 All sites and along with any supporting information submitted to the Council, including proposed masterplans, economic, social and supporting environmental information has been considered against a set of criteria which have considered the suitability, availability and deliverability of sites for allocation in the Local Plan. This has taken account of the Council's own evidence base which has considered the extent to which the market can accommodate new development in the district over the local plan period.
- 3.28 The range of sites considered by the Council ranged from small sites of five or more up to significant strategic allocations of several thousands of homes. Taking account of the findings of the site assessment process, recommendations for allocations have been made for sites which meet the proposed settlement hierarchy and adjoin existing settlement boundaries. The site assessment process has also considered the potential for a number of larger strategic scale developments, including new settlements to help deliver housing to meet the required housing targets. Appendix 6 contains further detail on the conclusions of the site assessment process.

### *Transport*

- 3.29 New development which takes place in the District will have an impact on the transport network in the District. A detailed transport assessment of the local plan has been undertaken, to ensure that the cumulative impact of developments within and beyond the District on highways in and around the District has been considered. A summary of this assessment work is set out in Appendix 7. This has concluded that there are likely to be some significant impacts on the road network that arise directly from sites being allocated in the Local Plan. Notable impacts include delays or safety issues occurring at a number of junctions, however most of these impacts can be successfully mitigated through a combination of improving sustainable transport measures and re-prioritising the phasing of traffic lights. Such measures do not however fully address problems occurring at four junctions along the A24 or the northern mini roundabout at Cowfold, therefore junction upgrades of the A24 junctions, and encouraging traffic away from Cowfold through changes on other parts of the network, are likely to be necessary. It will further be necessary to address potential delays on the A23/A2300 southbound slip road onto the A23, which requires further discussion with Highways England. However in all cases, the report identifies that there are realistic and achievable mitigation measures. In summary therefore the

proposed strategy is not considered to have any 'showstoppers' and the impacts identified can be addressed.

### *Viability*

- 3.30 It is a requirement of the NPPF that the policy requirements delivered from development are viable. Without this, the delivery of development can be impacted. In addition, an Infrastructure Delivery Plan (IDP) has been prepared which will be published as part of the Regulation 19 consultation. This document will set out the key infrastructure which is necessary to support the delivery of the local plan, including open space, education and transport.

The policies in the Local Plan, informed by the IDP has been subject to a viability assessment. This has included an assessment of the viability of a number of potential strategic sites. This has concluded that the plan policies and the proposed allocations can be delivered whilst also providing good quality development (including affordable housing) and infrastructure in a timely manner. A summary of the Viability Report is attached as Appendix 8.

### *Environmental Considerations*

- 3.31 As set out in paragraph 3.15, Horsham District has relatively few 'absolute' environmental constraints. In order to ensure that the high quality environment of the District is protected and enhanced as far as is possible, the development of the local plan has taken account of a range of environmental evidence. In addition to the SA/SEA process and the HRA process outlined above, this has included a wide range of other data including the existing Green Infrastructure Strategy, the presence of Air Quality Management Areas in the District, and an update to the Council's Strategic Flood risk assessment and the Landscape Capacity of the District.
- 3.32 In addition, new evidence has been prepared. This includes a Carbon Reduction Study to assist the Council in delivering its commitments to achieving net zero carbon and a Heritage Impact Assessment, which has considered the potential impact of new development on archaeological and historical assets within the District, and sets out recommendations to ensure impacts can be mitigated.
- 3.33 In addition, the Council has been mindful of the emerging Environment Bill. This legislation has yet to be enacted, but is expected to place a requirement on local authorities to deliver biodiversity net gains and assist the delivery of a Nature Recovery Network. Pilot studies are taking place across the country to assist the Government's understanding of how Nature Recovery Networks and planning will interact, and until guidance is published this will remain uncertain. The Council has however worked proactively with the Wilder Horsham initiative to help understand features and opportunities to help deliver any eventual nature recovery network, in rural and urban parts of the District. However it is important to note that at this time, no formal NRN has been designated and the designating authority, mechanisms, stakeholder involvement in this process have yet to be established.

## *Economic Considerations*

- 3.34 The Council has carried out an Economic Growth Assessment (EGA) which sought to understand the amount and type of economic development which would be needed to support growth in Horsham District, and contribute to the health of the wider Gatwick diamond as a whole. A focussed update to this report has been carried out to take account of the impacts of the Covid-19 pandemic so far as they can be determined at this stage. The findings of the EGA indicate that Horsham District is in a strong position to support economic and employment growth over the plan period despite the short to medium term challenges of the pandemic. The study demonstrates that there is a need to provide sites that meet modern business requirements and assist existing businesses in the District to expand and flourish thereby providing new local jobs, as well as providing some additional employment land to meet the needs arising from additional housing growth.

## **4 Next Steps**

- 4.1 It is proposed that the Horsham District Local Plan Regulation 19 document is published for a six week 'period of representation' between Friday 10 September 2021 and Friday 22 October 2021 in accordance with Regulation 19 of the Town and Country (Local Planning) (England) Regulations 2012.
- 4.2 Section 20(2)(b) and 5(b) of the Planning and Compulsory Purchase Act 2004 require that the plan which a local authority submits for examination is one that it thinks to be 'sound'. The NPPF paragraph 35 sets out the tests of soundness against which a plan will be tested. These will test whether the plan is:
- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
  - d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.
- 4.3 It is considered these four tests have been met. As set out in section 3 of this report, the starting point for preparation of the plan has been the NPPF. Policies have therefore been drafted to ensure that they are consistent with national policy. The plan is also considered to be positively prepared as the plan sets out a strategy for development which meets our own housing targets and makes a meaningful contribution to meeting unmet housing needs. The plan preparation process has also considered a number of other alternative strategies and options, as part of the SA/SEA process and the preparation of other evidence base documents, leading to the recommended strategy. This is considered to be justified. The plan preparation process has also been effective with consideration of strategic cross boundary issues (such as the provision of unmet housing needs) which has been undertaken as part of our Duty to Co-operate discussions with a range of organisations.

- 4.4 This representation period will provide stakeholders and the general public with the opportunity to prepare and submit a response indicating whether they consider the Council's strategy is sound, legally compliant including whether the Duty to Co-operate has been met, together with their proposed amendments to the plan in order for the Local Plan and the Council to meet these tests.
- 4.5 The Horsham District Local Plan Regulation 19 document will be published online and hard copy documentation will be made available in local libraries. The main methods of submitting representations will be online, but email and hardcopy responses can also be submitted.
- 4.6 The Council will ensure that the representation period is well publicised through a range of media including online, local newspapers and a range of community publications, in accordance with the Council's Statement of Community Involvement. During the representation period, the Council will ensure there are opportunities for Parish and Neighbourhood Councils, stakeholders and businesses to learn more about the draft Local Plan and how to make comments as part of this process, including through Parish/Neighbourhood Council workshops, and social media. Where possible hard copy information panels will be made available in public libraries. It should be noted that whilst it is currently anticipated that Covid restrictions will have been fully relaxed by September, arrangements for publicity will be kept under review as necessary.
- 4.7 Representations that are made to the Council on the content of the Local Plan will, be formally submitted by the Council to the Planning Inspectorate, together with the Local Plan and supporting evidence.
- 4.8 Taking into account the representations which are made during the six week representation period, it is good practice that the Council provide the Planning Inspectorate with its initial response to the issues identified. As part of this process it is envisaged that it may be appropriate to provide the Inspectorate with a schedule of minor amendments the plan (such as points of clarity or typographical errors) which the Council ask the Examining Inspector to consider as part of his or her examination of the plan. In the event that the Council consider that a change needs to be made to the plan in response to the representation period or as a change to the evidence base, it would be necessary for this to be reconsidered by the Council and if necessary be subject to a further period of comment under Regulation 19.

## **5 Views of the Policy Development Advisory Group and Outcome of Consultations**

- 5.1 The proposed content of this document has been discussed at regular meetings of the Planning and Development Policy Development Advisory Group throughout the preparation of the Local Plan. These meetings have provided advice and feedback to the Cabinet Member for Planning and Development on matters including the emerging evidence base, the site allocation process and the envisaged policy content of the Local Plan.
- 5.2 A number of all Member seminars and events were held between June 2017 and December 2020, during the Horsham District Local Plan preparation process. All Members have also been provided with written advice and guidance from independent planning specialists in relation to legal matters and the proposed strategy for the plan. These have allowed debate on the economic, rural and environmental strategies, together with discussion on the level and location of new housing that the Local Plan is required to deliver. Members' views were taken into account in the preparation of the proposed consultation document.
- 5.3 The process of Local Plan preparation requires that the views of stakeholders and the community be taken into account. This has been undertaken through a number of means, including the two Regulation 18 consultations, as well as Parish/Neighbourhood Council workshops and public exhibitions held in February/March 2020. The summary of the public consultation feedback is available on the Council's website <https://www.horsham.gov.uk/planning/local-plan/regulation-18-consultation>. Since the close of the Regulation 18 consultation in March 2020, correspondence and petitions relating to the Local Plan have continued to be received, particularly in relation to potential housing allocations identified at the Regulation 18 stage of consultation. The content of these have been noted but they have not raised any new views or concerns that had not already been made by others at the Regulation 18 consultation. The process for further public engagement will continue with the publication of the Regulation 19 document as set out in section 4 of this report.
- 5.4 As outlined in section 3 of this report, HDC has a legal Duty to Co-operate. In addition to the consideration to direct requests to meet unmet housing needs, the authority has also actively engaged with other Local Authorities and other key organisations such as Highways England (on transport matters) and Natural England (ecological matters) during the plan preparation process to help inform plan preparation, and therefore ensures that the Council has met its legal obligations in this respect. These discussions will continue until the point at which the plan is submitted. The outcome of this work will be set out in Statements of Common Ground between the various parties involved.
- 5.4 The comments of the Monitoring Officer and the Director of Corporate Resources are incorporated in this report.

## **6 Other Courses of Action Considered but Rejected**

- 6.1 As set out in paragraph 3.24 a number of alternative options for the Local Plan have been considered as part of the Sustainability Appraisal process. Other options for development have been considered as part of the wider evidence base work set out

in this report. Ultimately it is considered that the proposed Local Plan strategy is an appropriate means of delivering its own needs and making a meaningful contribution to meeting the unmet needs from the wider sub-region. This strategy reflects the District's unique geography and the relationship it has with the surrounding area, including Crawley and the South Coast.

- 6.2 Another alternative course of action would be not to review the existing Horsham District Planning Framework. However, it is a legal requirement that local plans are monitored and reviewed regularly to ensure that they are kept up-to-date, and would leave the Council in breach of this legal duty.
- 6.2 The decision not to progress a plan would not stop new development taking place, but without an up-to-date Local Plan, the Council would have limited control about the location, nature and type of development that would take place. In addition, it would be more difficult for the Council to require the infrastructure requirements needed to support development on a comprehensive and district wide basis.

## **7 Resource Consequences**

- 7.1 Budgetary provision has been made for the Local Plan Review in the current and forthcoming financial years. There are no direct financial consequences arising from this report in addition to those that have already been identified in relation to the preparation of the Local Plan. These include the normal staff and publication costs associated with the publication of this document for consultation. In addition it will also be necessary to seek specialist consultant and legal advice to support any updates of the Council's evidence base and to support the forthcoming Local Plan Examination. Whilst some costs are best estimates, these have as far as possible been included in the agreed budget.

## **8 Legal Considerations and Implications**

- 8.1 The Local Plan is required by statute and the Council's constitution to be adopted by Full Council. The Planning and Compulsory Purchase 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the requirements and the statutory procedure for the preparation of a Local Plan. All aspects of the Local Plan preparation have been undertaken in accordance with this legislation and is deemed to be legally compliant. Many of the key requirements of the Planning and Compulsory Purchase Act 2004 (such as the Duty to Co-operate) are addressed elsewhere in this report.

In addition, it is considered that the legal obligations set out in Section 19 (3) and the provisions cross referred to in 20(5)(a) of this Act have been met. In particular, the Council has complied with its Statement of Community Involvement as part of the plan preparation process, and has also prepared a local Development Scheme which sets out the timetable for plan preparation. This document has been kept under regular review during the plan preparation process and has been updated when required to ensure that the preparation of the plan is in accordance with the outlined timetable. We have sought to ensure that the appropriate legal advice has informed the preparation process of the Local Plan and will continue to do so to ensure compliance with relevant regulations.

- 8.2 This document will meet the Council's stated intention to review its adopted Local Plan (the Horsham District Planning Framework).
- 8.3 If the Horsham District Local Plan document is agreed for publication, this will need to be undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, and in particular Regulation 19. In addition, a Sustainability Appraisal Scoping Report incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 together with a Habitat Regulations Assessment has been undertaken as part of this work. This documentation, along with other evidence base documents will be made available as part of the consultation process.

## **9 Risk Assessment**

- 9.1 With the preparation of any Development Plan Document, there is a risk that the process could be subject to a Judicial Review on the adoption of the plan. By following the required legal processes as set out in the relevant legislation, the risk of a successful challenge is considered to be low. Other risks include organisational capacity to incorporate unexpected additional work arising from the examination process, and potential impact on other projects such as the capacity to support Neighbourhood Plans (albeit the latter has been mitigated through the procurement of external resources).

## **10 Procurement implications**

- 10.1 There are no direct procurement implications arising from this report. From time to time it may be necessary to procure the advice from consultants to support the preparation of the Council's evidence base. This will be undertaken in accordance with the Council's procurement policies.

## **11. Equalities and Human Rights implications / Public Sector Equality Duty**

- 11.1 The Equalities Act 2010 places a duty on local authorities to consider the impact of its activities on age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Authority must have regard to the need to eliminating unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. In order to consider these issues, the Sustainability Appraisal process which has been undertaken during the preparation of the Local Plan has incorporated an Equalities Impact Assessment to ensure that the impact of the plan on Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief has been considered. The local plan contains specific policies to address identified equalities issues. For example, this includes the allocation of land to make sure that the housing needs of Gypsies and Travellers within Horsham District can be met.

- 11.2 This Council has a positive obligation to ensure that respect for human rights is at the core of its day to day work, and must in particular consider Article 6 (Determination of Civil Rights), 8(A Right to Family Life etc) and Article 1 of the First Protocol (Right to Property). The preparation of a local development document, and the involvement of the community at each stage, will potentially contribute to improving the quality of life in the District and will therefore have a positive impact on human rights.

## **12 Environmental Implications**

- 12.1 If adopted, the Local Plan will provide a key mechanism of delivering a wide range of environmental benefits to the District, and therefore delivering the objectives of the Corporate Plan. This includes protecting and enhancing air quality, delivery of green infrastructure and a minimum 10% biodiversity net gain. The policies also seek to ensure that the District achieves net zero carbon by 2050 at the latest.

## **13 Other Considerations**

- 13.1 There are no direct crime and disorder consequences arising from the content of this report. Comments submitted to the Council as part of the representation period will be processed in accordance with Data Protection and GDPR regulations.

