

Cabinet
15 JULY 2021

Present: Councillors: Paul Clarke (Leader), Chris Brown, Philip Circus, Lynn Lambert, Richard Landeryou, Roger Noel, Claire Vickers and Tricia Youtan

Apologies: Councillors: Tony Hogben

Also Present: Councillors: Tony Bevis, Martin Boffey, Toni Bradnum, Karen Burgess, Jonathan Chowen, Ruth Fletcher, Frances Haigh, Nigel Jupp, Gordon Lindsay, John Milne, Christian Mitchell, Mike Morgan, Jim Sanson and David Skipp

EX/10 **DECLARATIONS OF MEMBERS' INTERESTS**

Item 5: Councillor Claire Vickers declared a personal interest in this item because her home was close to the boundary of a proposed development site.

EX/11 **ANNOUNCEMENTS**

Councillor Philip Circus, Cabinet Member for Environment, Waste, Recycling & Cleansing, updated Members on the success of the recently introduced kerb-side collection services for textiles, small electrical items and batteries. He advised of the impressive tonnage of each item collected in the first four weeks and confirmed there had been no reports of contamination.

EX/12 **PUBLIC QUESTIONS**

Nine members of the public asked Councillor Lynn Lambert, Cabinet Member for Planning & Development, a question related to agenda item 5, Horsham District Local Plan regulation 19.

1. Sharon Davis asked the following question:

I hope you have had the opportunity to examine the document I submitted on Monday. Why is the Smock Alley site being considered again for development, given the history of the refusals, overwhelming material considerations, as outlined, and significant departure from Horsham's HDPF and emerging draft Local Plan?

Councillor Lambert replied:

I have noted the content of your circulated enclosure. The starting point for assessing sites is the current version of the National Planning Policy Framework (or NPPF) and officers have undertaken their site assessment work based on a strict set of criteria. They have had to consider a wide range of issues such as landscape, heritage, how the site relates to the existing

settlement and whether the site is viable and deliverable during the plan period. This work has been carried out by qualified planning professionals and other specialists.

More details about the site assessment process is set out in Appendix 6 of the Cabinet papers.

This Council is facing an unprecedented housing target and without a plan the consequence will be more and uncontrolled development across the district which does not provide the infrastructure which meets the community's needs. The Council is therefore faced with making difficult choices including the location for new homes.

In any Local Plan there are always those who do not agree with the sites selected by the Council. However, there will be an opportunity to raise these issues as part of the Regulation 19 period of representation where you can raise concerns and suggest amendments to the plan.

Sharon Davis, as a supplementary question, asked what was meant by no or low capacity in a landscape assessment.

Councillor Lambert replied that she would provide Sharon Davis with a written reply.

[Written reply provided: *The Horsham District Landscape Capacity Assessment is a study carried out by qualified Landscape Architects to inform the review and preparation of the new Local Plan and understand which landscapes have more or less potential to accommodate development in landscape terms. It is available to view on the Local Plan Evidence Base pages of the Council's website.*

The different definitions of landscape capacity are set out in Table 6 on page 19 of this document. No/Low capacity defined as:

'The area is unable or only has very limited potential to be able to accommodate the specified type and scale of development without unacceptable adverse landscape and visual effects or compromising the values attached to it, taking account of any appropriate mitigation.'

The landscape assessment looks at the overall ability of a number of separate study areas across the district. This means that there may be smaller parcels of land within a study area which are more or less able to accommodate development than the overall capacity conclusion for the whole study area.

In addition, the landscape capacity assessment is just one factor when deciding whether a site is suitable for development – it also depends on a range of other considerations including access and infrastructure constraints, to other environmental considerations including flood risk, ecology, heritage and archaeology and air quality.]

2. Richard Cordy asked the following question:

Why has the East of Billingshurst site been included when it doesn't have this local support (of the local tennis club), won't offer these (tennis) facilities nor would it meet Horsham District Council's own affordable housing requirements, or indeed meet Horsham District Council's requirements on carbon reduction, whereas Newbridge Park would on all those counts?

Councillor Lambert replied:

As I have outlined in my earlier response, officers have undertaken site assessment work based on a strict set of criteria which consider a range of planning matters to determine whether in their professional opinion a site is suitable, available and deliverable during the plan period.

The decision on whether or not to allocate a site is therefore not based on one single piece of evidence or benefit of a scheme, but on how all factors combine. Therefore whilst the Newbridge Park site may perform well in terms of carbon reduction I notice that the site is separated from the existing village of Billingshurst; is divided into two separate parcels and faces the challenge of linking any new community with the existing one across the A29. We must consider how this site will form a new cohesive community when compared with other development proposals, including land east of Billingshurst, where such a barrier does not exist.

Richard Cordy asked, as a supplementary question:

If Newbridge Park is not the preferred option and you stick with East Billingshurst can we have some commitment from the Council to release around the £4m that we were due to get on the existing Parish Council land at Jubilee Fields, to allow for some improvements and relocation of the tennis club from existing S106 money and new money that you may get from the East Billingshurst site?

Councillor Lynn Lambert replied:

By all means the Council will look at releasing this money for you.

3. Councillor Owen Hydes (Chairman, Nuthurst Parish Council) asked the following question:

At Parish level, we have not listened to any support at all for a new town at Buck Barn. A new town, quickly planned by a developer and destroying acre upon acre of the Low Weald is not what our communities want.

So, nearly 20,000 people have signed a petition against Buck Barn, over 8,000 have written to the government. And I believe each District Councillor has been sent around 2,000 emails or letters opposing Buck Barn. Local people have used their voice. Now they want to be listened to and to see local democracy

actually work. So, how are you going to persuade local people that you properly represent them?

Councillor Lynn Lambert replied:

We know from the Regulation 18 consultation held in 2020 that no site that we consulted on was welcomed by the local community but it is a legal requirement that local authorities prepare a local plan. The government sets housing targets for our district and also requires that the plan contributes to unmet needs from other areas as far as is possible. This has led to unprecedented housing targets placed on Horsham District.

We have repeatedly sought to represent the concerns of the Council and the community by writing to government about the issues we face. Unfortunately this has not led to a change in our housing numbers and targets.

The Council must therefore make some very difficult choices about where development goes. Legislation requires that the decision that we make must be based on planning matters and the available evidence.

Taking this responsible course of action is the best means of representing the interests of the district. Far worse would be the failure to make a plan at all as this would lead to more development in the wrong place and with fewer services and facilities than we need.

Cllr Hydes asked, as a supplementary question:

Why are you so insistent on saying that HDC must have a Local Plan because it seems to me that the awful consequences of a new town and Buck Barn covering acres and acres of low weald would be far worse than not having a Local Plan?

Councillor Lynn Lambert replied:

If we don't have a Local Plan we will not be able to prove a five-year land supply. Developers will crowd in at the door and we would end up with development across the district where we don't want it. We also will not get the benefits of having the infrastructure that we need and require from those developers.

The Leader stated that the following questions would be heard together as they were related to each other and the Cabinet Member would give one overarching reply.

4. Frances Martin asked the following question:

For the Regulation 18 consultation a RAG Rating was carried out on the sustainability of the sites presented to the Council through the SHELAA. SA587 Adversane identifies only one amber against Archaeology whereas SA716 Buck Barn identified five ambers, the most notable of which were against

Environmental Quality, Transport and Economic Impact. Furthermore the support for the inclusion of Adversane was an overwhelming 42 to 20. Given these assessments, why was Adversane discounted from inclusion in the Regulation 19 consultation?

5. Meryn Findlay asked the following question:

In allocating Buck Barn, what assessments have been made about the impact on traffic and air quality in nearby settlements such as Cowfold, where there is already an air quality concern, and what assurances have been made by the Council about the feasibility of the mitigation measures proposed on the highway network?

6. David Tidey asked the following question:

In the light of information from objectors presented to the Council and Councillors about distances from strategic sites to nearby transport hubs, does the inclusion of Buck Barn, to the exclusion of more sustainable locations for housing, risk the Local Plan being found unsound at the forthcoming examination?

7. Simon Meighan asked the following question:

In allocating Buck Barn, what weight has been given to the impact that this would have on the natural environment, as acknowledged and expressed by the Conservative Government's Environment Minister as well as 30 leading environmentalists?

8. Nicky Pepper asked the following question:

In his letter dated 6 July, which was sent to all Members of the Council, Lord Lytton concludes by saying that "on every objective measure, Buck Barn fares less well than the main alternatives." His letter also refers to a crucial District Nature Recovery Network study, which as yet is not in the public domain. Does the land that is proposed to be allocated at Buck Barn fall within an area of high or very high ecological value? How does this compare to other major strategic sites that have also been promoted as part of the Local Plan?

9. Charlie Burrell asked the following question:

Several policies rely upon or defer to a Green Infrastructure Strategy or Nature Recovery Network. We are aware of a draft Nature Recovery Network document produced and developed in partnership with the Sussex Wildlife Trust. We are also aware that this document is widely available in draft form and that several Councillors have seen it.

Given the significant emphasis being placed on this document in the Local Plan why has it not been included in the Council's evidence base? Please confirm whether such document, plan or assessment has been used to inform the Regulation 19 draft submission local plan?

Councillor Lynn Lambert gave the following reply in response to questions 4 – 9:

As these questions have raised a number of similar issues concerning the evidence base supporting the preparation of the Local Plan and how it has been into account I am going to answer these questions together.

As I mentioned in my response to earlier questions, the Local Plan must be based on planning matters including relevant and proportionate evidence. The Council consulted on the initial assessment of sites with potential for development in 2020, which is what was referred to by Ms Martin. These assessments have now been revised to take into account updated evidence and feedback from the consultation.

The Council will not be making decisions on the content of the previous consultation but on the revised, updated and expanded evidence base. This includes transport studies, flood risk, and biodiversity including the emerging Nature Recovery Network. The relevant evidence base is referenced in the Cabinet papers this evening and we will consider whether the plan is ‘an appropriate strategy’ as required by the National Planning Policy Framework.

The draft Nature Recovery Network documentation referred to by Ms Pepper and Sir Burrell is not yet in its final form but will be made available on the Council’s website once finalised and agreed. The emerging document has been considered during the development of the Local Plan.

It is important to note though, that the Environment Bill is not yet enacted and nor has any Nature Recovery Network officially been designated. There is as yet no government guidance on how such designations will work or who will be the body who defines any NRN and so there may be differences between any eventual Nature Recovery Network and the work being carried out by the Wilder Horsham District partnership.

The government is very clear about its intention to bring forward both new homes and biodiversity net gain. Defra has very recently published a biodiversity net gain matrix which provides local authorities with guidance on this process. However it is clear that development and the delivery of biodiversity net gain cannot be considered to be mutually exclusive.

There are no easy choices regarding the location for development, but the concerns raised in the questions you have asked have been considered by officers. The plan before us this evening is a proposal which sets out a way forward to deliver the unprecedented housing targets we face and crucially the necessary mitigation measures and environmental enhancements.

As I stated earlier, in any Local Plan there are always those who do not agree with the sites selected or evidence base or feel that other locations for development may be more suitable. However, the issues raised in the

questions tonight are examples of matters which can be submitted as part of the Regulation 19 period of representation.

The purpose of the Regulation 19 stage is to allow an opportunity for individuals and organisations to set out any concerns they may have and suggest how the plan can be changed to remove those concerns. These suggestions will be considered by an independent Planning Inspector who will hold an Examination into the Local Plan, which will include public hearings, in due course.

4. Frances Martin asked, as a supplementary question:

Do Horsham District Council recognise that the Buck Barn development will blight Cowfold with increased traffic volumes and push the pollution levels even further over the legal limit? If so, is the Council happy with the mitigation plans presented to you by the developer?

Councillor Lynn Lambert replied:

West Sussex County Council, who are the Highways Authority, have looked at the mitigation plans proposed and they are happy with them.

5. Meryl Findlay asked, as a supplementary question:

For the final vote on 28 July, can you assure me you will be in possession of all the results of all the relevant investigations that you have just said you are to undergo?

Councillor Lynn Lambert replied:

Yes we will.

6. David Tidey asked, as a supplementary question:

The red line boundary for the Buck Barn allocation in the Regulation 19 draft includes an area of additional land to the northwest of the site, which was not previously included in the Regulation 18 draft Local Plan. Why has the addition of this area of land not been referred to in the Cabinet report? Why is it necessary and has the sustainability appraisal, site assessment summary and officer recommendations considered and evaluated the impacts of this extra land in the allocation of Buck Barn as against other site possibilities?

The Leader advised that Councillor Lambert would provide Dave Tidey with a written reply.

[Written reply provided: *The Cabinet report papers comprise a number of documents and papers. These include the Cabinet report itself which sets out the recommendations, together with the Local Plan and a range of background evidence. Appendix 6 includes a summary of the site assessment work. This shows the full site area referred to in the supplementary question. The impacts of this additional area have been considered and evaluated.*]

7. Simon Meighan did not ask a supplementary question.

8. Nicky Pepper asked, as a supplementary question:

Is there going to be an enquiry into the assertions made by Lord Lytton in his letter to Councillors that there is a lack of objectivity and bias in Council decision-making before the vote on 28 July.

The Leader of the Council did not allow this question as it was on a different subject matter and not supplementary to the original question or the reply.

9. Charlie Burrell asked, as a supplementary question:

Thakeham Homes have submitted a Biodiversity Net Gain report in support of its Regulation 18 consultation response. It is noted that this was based on a smaller site than identified in the Regulation 19 draft. Further and critically it purports that despite attributing the highest possible target conditions, only a net gain of 2.7% is identified. Has the Council compared this against assessments carried out for other potential site allocations? How does the Council justify its acceptance of this when the Environment Bill and Regulation 19 Plan Policy 30 require a 10% BNG? With no ecological evidence to back up [Thakeham Homes' claims for 20% BNG] are you prepared to live with the consequences of this decision in favour of an unsustainable, unpopular, environmentally disastrous development and allow yourselves to be blemished by such greenwash?

Councillor Lynn Lambert replied:

The site has been inspected by an Independent Planning Inspector and he states that the biodiversity net gain is 10%. And through the examination process it will be inspected again to make sure this can be achieved.

EX/13 **HORSHAM DISTRICT COUNCIL LOCAL DEVELOPMENT SCHEME:
JANUARY 2021 - DECEMBER 2023**

The Cabinet Member for Planning & Development stated that it was a legal requirement for all local authorities to produce a Local Development Scheme, which sets out the timetable for the preparation of their Local Plan and other key planning documentation. The previous scheme had been updated in March 2021 to reflect the need for more time to conclude detailed discussions with statutory consultees.

The timetable set out in the Scheme had been reviewed and required further updating to ensure enough time for the emerging Local Plan evidence base to be given sufficient scrutiny.

It was noted that a typographical amendment was required to the Timetable on page 21 of the agenda to reflect that submission to the Secretary of State would be in January 2022.

In response to a number of comments related to the emerging Local Plan, the Cabinet Member emphasised that this was not a planning policy document, but the timetable for the Local Plan process, which was required to meet the Council's legal obligations.

RESOLVED

- i) That the publication of the Local Development Scheme January 2021 – December 2023, as attached to the report, be approved.

REASON

- i) To ensure that the Council acts in accordance with the requirements of the Planning & Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

EX/14 **HORSHAM DISTRICT LOCAL PLAN REGULATION 19**

The Cabinet Member for Planning & Development stated that it was a legal requirement that all local authorities prepare a Local Plan that sets out a strategy to deliver economic, housing, social and environmental needs. The Local Plan also had to identify enough land to deliver housing targets set by the government, and to adhere to requirements included in the National Planning Policy Framework (NPPF) published by the government.

Policies within the draft Plan were based on key evidence base as set out in the appendices to the report relating to: climate change; conserving the natural and built environment; duty to co-operate with neighbouring local authorities; economic development; housing and site assessments; infrastructure, transport and healthy communities; and flood risk and water cycle. The Cabinet Member outlined details of the proposal, including up to 45% affordable housing targets, protection for the environment, including 10% biodiversity net gain and net zero carbon targets.

The Cabinet Member acknowledged the unprecedented level of new housing required, with a target of 897 each year as well as additional housing to meet the unmet needs of other areas under the duty to co-operate requirements.

She emphasised the need to agree a Local Plan so that the Council could demonstrate a five-year housing land supply going forward, without which there would be a risk of speculative housing applications difficult to defend at appeal, resulting in sporadic development across the district without the level of infrastructure and facilities delivered with planned development.

The Cabinet Member for the Local Economy spoke of the economic benefits of the Local Plan, which would address the shortage of business and employment space in the district. The Cabinet Member for Leisure & Culture spoke of the importance of work being done on the Nature Recovery Network; this was currently an aspirational piece of work and could only be completed once the Local Plan was in place.

The Leader of the Council confirmed that informal discussions with the Liberal Democrats and Local Members could be arranged in response to a request for clarity regarding the Rookwood site.

A number of Councillors raised concerns and asked for clarification on the draft Local plan, in particular regarding the strategic site allocation at Buck Barn. It was noted that the evidence base for each strategic site had to be looked at as a whole and in relation to the whole district when determining the allocation of sites. Issues of air quality and water quality had been addressed within the evidence as set out in the report, and would be further scrutinised by the Planning Inspector and through independent examination during the Regulation 19 consultation phase of the process.

The Director of Place confirmed that the level of housing required to meet Crawley's unmet need under the duty to cooperate rules had been reached after careful calculation. She agreed that further information regarding the 10% buffer applied to the five-year supply would be made available to Members.

The Director of Place advised that once agreed by Council, the submitted Local Plan could not be amended without Cabinet and Council's approval. However, a schedule of proposed modifications could be agreed by Council and submitted to the Inspector.

The Cabinet agreed unanimously to the recommendation as set out in the report.

RECOMMENDED TO COUNCIL

- i) To approve 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) To publish 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) To submit 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.

REASON

- 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.

EX/15 **TO CONSIDER MATTERS OF SPECIAL URGENCY**

There were no matters of special urgency to be considered.

The meeting closed at 7.20 pm having commenced at 5.30 pm

CHAIRMAN