

Report to Council

14 December 2022

By the Cabinet Member for Planning and
Development

KEY DECISION

Not Exempt



**Horsham
District
Council**

Horsham Blueprint Business Neighbourhood Development Plan

Executive Summary

This report summarises the process of Neighbourhood Plan preparation undertaken by Horsham Blueprint, which comprises of Denne, Trafalgar, and Forest Neighbourhood Councils. Following the successful Referendum, which was held on 20 October 2022, the purpose of this report is to seek Council's formal approval to "make" the Horsham Blueprint Business Neighbourhood Development Plan part of the statutory Development Plan as required by section 38A(4) of the Planning and Compulsory Purchase Act 2004 (and regulation 18A of the Neighbourhood Planning (General) Regulations 2012/637). Once made, the plan will be used to determine planning applications within Forest, Denne and Trafalgar wards in addition to the Horsham District Planning Framework (HDPF).

Recommendation(s)

Council is recommended to:

- i) Formally "make" the following Neighbourhood Plan as part of the statutory Development Plan for Horsham District and apply the policies within the plan for the purpose of determining planning applications within the relevant neighbourhood area:

1. Horsham Blueprint Business Neighbourhood Development Plan 2019 - 2036

Reason for Recommendation

To meet the requirements of the Planning and Compulsory Purchase Act 2004.

Background Papers

The Referendum version of the Horsham Blueprint Business Neighbourhood Plan and accompanying evidence base documents to support the plan can be found by clicking on the link below:

<https://www.horsham.gov.uk/planning/neighbourhood-planning/horsham-town-un-parished-area>

Wards affected:

1. Denne, Trafalgar and Forest.

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Background Information

1 Introduction and Background

- 1.1 The Localism Act 2011 allows Parish/Town Councils and other forums to shape development in their areas by preparing a Neighbourhood Plan for their designated area. Once complete, a neighbourhood plan is 'made' by the local planning authority and forms part of the development plan. This means that they are given statutory weight in the determination of planning applications.
- 1.2 A Neighbourhood Plan Forum known as Horsham Blueprint has prepared a Neighbourhood Plan for the unparished area of Horsham town which comprises Denne, Forest and Trafalgar wards. Following the statutory consultation stages and formal examination of the Plan, the electorate in the three relevant wards have voted in a Referendum and a majority of those who voted agreed the plan should be used in the determination of planning applications. It is now a legal requirement the Neighbourhood Plan is 'made' by Horsham District Council.
- 1.3 This report sets out more detail on this process.

2 Relevant Council policy

- 2.1 The Local Plan for Horsham District is currently the Horsham District Planning Framework (HDPF). This sets out the key planning policies against which development in the district is considered. It is a requirement that neighbourhood plans are prepared to be in 'general conformity' with this Plan.
- 2.2 Policy 15 of the HDPF identifies a requirement of a minimum of 1,500 homes to be delivered through neighbourhood plans across the district. As part of the preparation of their neighbourhood plans, local communities must therefore consider the extent to which they can contribute towards this target. Horsham Blueprint made the decision not to allocate land for housing in their neighbourhood plan, but to work with the District Council on progressing the Local Plan Review and how housing needs for Horsham town should be addressed. The plan

therefore seeks to provide development management policies which will guide development within the area.

3.0 DETAILS

Preparation of the Horsham Blueprint Business Neighbourhood Development Plan

3.1 The preparation of a neighbourhood plan is subject to several key stages set out in The Neighbourhood Planning (General) Regulations 2012 (as amended). These are outlined below.

1. **Formal designation of the neighbourhood plan area:** The entirety of Horsham Blueprint was designated as a neighbourhood plan area in June 2015. Due to this neighbourhood area being designated as a 'forum', the regulations (Section 61F, Paragraph 8a of the Town and Country Planning Act 1990) state that a neighbourhood forum designation will cease to have effect after five years. The Horsham Blueprint group resubmitted an application and the area was re-designated on the 5 June 2020.
2. **Pre-submission publicity and consultation:** (commonly referred to as a regulation 14 consultation). The Horsham Blueprint Neighbourhood Plan Forum undertook consultation with the community and stakeholders on the content of the emerging plan between 10 February 2020 and 24 March 2020. The feedback from this consultation was then taken into account with appropriate amendments made to the plan.
3. **Submission of the plan to the Local Planning Authority:** The plan and supporting evidence was formally submitted to Horsham District Council (HDC) under Regulation 15 of the Neighbourhood Plan Regulations 2012 (as amended).
4. **Regulation 16 Consultation:** HDC, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, undertook a further consultation on the content of the Submission Plan. This took place between 14 September 2020 and 2 November 2020. All representations

submitted at this stage are provided to the Independent Examiner, who considered whether a plan can proceed to Referendum once it has met the basic conditions.

5. **Independent Examination:** In agreement with Horsham Blueprint, Horsham District Council appointed an Examiner to carry out an independent examination of the Neighbourhood Plan. The purpose of the examination was to determine whether the Plan met certain key requirements known as the Basic Conditions together with other legislative requirements. Plans which are considered to meet these tests can proceed to Referendum. The Examination of the Horsham Blueprint Business Neighbourhood Plan took place during late 2020 and early 2021, with the Independent Examiner's final report provided to HDC on the 5 February 2021.

6. **Publication of a Decision Statement:** Following receipt of the examination report and resolution of the water neutrality issue, HDC is required to publish a 'Decision Statement' setting out the Council's decision and next steps. The Council's Decision Statement for the Neighbourhood Plan is available on the Council's website:

https://www.horsham.gov.uk/_data/assets/pdf_file/0008/118259/Horsham-Blueprint-Decision-Statement-2-August-2022-final.pdf

It concludes that the HDC, in consultation with Horsham Blueprint agreed with the proposed modifications, the Plan was able to proceed to Referendum.

7. **Referendum:** A vote was held where the electorate for the three relevant wards were asked whether the plan should be used as part of the development plan and help determine planning applications in their parish. The Neighbourhood Planning (Referendums) (Amendment) Regulations 2013 makes provision for the conduct of additional "Business Referendums". As the Horsham Blueprint Business Neighbourhood Plan is also identified as a 'business area' there was a requirement to include the

business community (specifically non-domestic rate payers) as part of the Referendum process. A Referendum was held for both residents and businesses on 20 October 2022.

3.2 Table 1 sets out the results of the Horsham Blueprint Business Neighbourhood Plan Referendums together with the respective percentage turnout for both the residential and business Referendums held on the 20 October 2022:

Table 1: Referendum Result.

Neighbourhood Plan Area	Votes Recorded Yes (%)	Votes Recorded No (%)	Percentage Turnout (%)
Horsham Blueprint Area Residential	2614 (85%)	467 (15%)	14.23%
Horsham Blueprint Area Business	19 (90%)	2 (9%)	37.50%

A clear majority of those who voted agreed that the Plan should be used in the determination of Planning Applications in Horsham Blueprint Business Neighbourhood Plan Area.

Strategic Environmental Assessment (SEA)

3.3 Horsham District Council has undertaken a ‘standard’ Strategic Environmental Assessment (SEA) screening assessment for all neighbourhood plans in the district. This process confirmed that a SEA is not required for Neighbourhood Plan groups which are not seeking to allocate land for development within their Plan. This includes the Horsham Blueprint Business Neighbourhood Plan. A sustainability statement was prepared to accompany the submission Plan and was the subject of consultation with the Environment Agency, Natural England and Historic England at statutory consultation stages. None of these bodies raised any concerns such that a SEA would be required for the Plan. The Examiner agreed that no SEA was required for this plan and that the basic conditions had been met. In the decision statement, HDC also concurred with this view.

Habitats Regulation Assessment

- 3.4 HDC initially commissioned a Habitats Regulations Assessment (HRA) of the Horsham Blueprint Business Neighbourhood Development Plan in June 2020. It concluded that the plan would not have significant environmental effects on designated European Nature Conservation Sites known as Special Protection Areas and Special Areas of Conservation (SPAs/SACs) or undermine their conservation objectives alone or in combination. The assessment took account of a number of protected sites, including the Arun Valley SPA/SAC, Ashdown Forest (SAC) and The Mens (SAC).
- 3.5 In September 2021, Natural England released a Position Statement on the issue of Water Neutrality. The Position Statement explains that in the Sussex North Water Resource Zone (which includes the whole of Horsham District), data collected by Natural England shows that increasing levels of water abstraction for mains water supplies is harming the Arun Valley SPA/SAC. The Position Statement requires that new development within Sussex North Water Resource Zone must not add to the adverse impact. This includes considering any development which may come forward in neighbourhood plans.
- 3.6 A way of ensuring that new development is not increasing rates of water abstraction and demand, is for neighbourhood plans to demonstrate that they are 'water neutral'. In other words, new development cannot increase the demand for water abstraction above existing rates.
- 3.7 The receipt of the Natural England Position Statement triggered a requirement to re-screen the Horsham Blueprint Business Neighbourhood Development Plan under the Habitat Regulations Assessment process to consider whether the content of the Plan is water neutral.
- 3.8 Horsham District Council therefore commissioned further Habitat Regulations Assessment work in December 2021 and consulted Natural England on the conclusions of this assessment. Natural England responded in April 2022. The response from Natural England agreed that the Blueprint Neighbourhood Plan is not

likely to have a significant effect on the protected habitats. This is because the plan does not contain policies which specifically allocate land for development. However, sites or projects which come forward on a project level basis still need to conform to Habitat Regulations and be subject to a project level Habitat Regulations Assessment. Additional wording to the Neighbourhood Plan was incorporated into the Plan to reflect this point.

- 3.9 As the competent authority, HDC therefore considers the Neighbourhood Plan to meet the basic conditions. The plan was cleared to progress to Referendum where it received a positive result.

4 Next Steps

- 4.1 Where over 50% of those who voted in a Referendum are in favour of using the plan to determine planning applications, Horsham District Council is legally required to formally 'Make' the Neighbourhood Plan within 8 weeks of the Referendum in accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004 and Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 (as amended). Making the Plan will allow the document to come into 'force' and be given full weight in determining planning applications within the parish.

- 4.2 Once made, the Horsham Blueprint Business Neighbourhood Development Plan documentation will be available to the public electronically on the Council's website. As with other planning documents, the Plan will be made available in print for a fee that covers printing costs.

5 Outcome of Consultations

- 5.1 The preparation of the Neighbourhood Plan has been undertaken in consultation with stakeholders and the local community. These consultations have been carried out by both the Neighbourhood Plan Forum and Horsham District Council in accordance with The Neighbourhood Planning (General) Regulations 2012 (as

amended), and the outcome from these consultations has been taken account of as appropriate.

6 Other Courses of Action Considered but Rejected

- 6.1 The Council could reject the Horsham Blueprint Business Neighbourhood Development Plan if it considers that the Plan is in breach of its legal obligations, or any conventions or rights, including the Human Rights Convention. Taking into account the views of the Examiner, as set out in his report, it is not considered that this is the case. The Council is therefore required to make the Plan in accordance with the with section 38A(4) of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning (General) Regulations 2012 (as amended).

7 Resource Consequences

- 7.1 It is not considered that there are any specific resource implications that arise from the 'making' of the Horsham Blueprint Business Neighbourhood Development Plan over and above staff time. Resources are set aside in the Council's budget to provide support to local communities in the preparation of their plans. Both the Director of Resources and the Monitoring Officer have been consulted on this report to ensure resource and legal probity has been met.

8 Legal Consequences

- 8.1 Section 38A (4) of the Planning and Compulsory Purchase Act 2004 Act, states that a local planning authority:
1. must make a neighbourhood development plan if more than half of those voting in the neighbourhood plan Referendum vote are in favour of the plan; and
 2. must do so as soon as reasonably practicable after the Referendum is held and in any event by such date as may be prescribed.

- 8.2 The Neighbourhood Planning (General) Regulations 2012 (as amended) stipulate under Regulation 18A state that *“The date prescribed for the purposes of section 38A(4)(b) of the Planning and Compulsory Purchase Act 2004 is the date which is the last day of the period of 8 weeks beginning with the day immediately following that on which the last applicable Referendum is held.”*
- 8.3 Failure to ‘make’ the Horsham Blueprint Business Neighbourhood Development Plan would therefore mean that the Council would not be acting in accordance with its legal obligations.

9 Risk Assessment

- 9.1 Under Section 113 (3) of the Planning and Compulsory Purchase Act 2004 (as amended) a person aggrieved may, inter alia, make an application to the High Court on the ground that a procedural requirement has not been complied with. A procedural requirement is a requirement contained in regulations or an order made which relates to the adoption publication or approval of a plan/document. By following the procedural requirements for Neighbourhood Plan preparation and the making of the Neighbourhood Plan, the risk of a successful judicial review is considered to be low.

10 Procurement implications

- 10.1 There are no procurement implications which arise from the making of the Horsham Blueprint Business Neighbourhood Development Plan.

11 Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 Equality and Diversity Implications

The making of the Plan is not expected to have any adverse impact on people with protected characteristics under the Equality Act 2010. In the preparation of their neighbourhood plans, the Horsham Blueprint Neighbourhood Plan Forum have

considered how to meet the needs of their area, and as part of this have engaged with the local community. It is not considered that the making of this plan or its policies will have any direct or indirect impacts on gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

11.2 Human Rights

The Plan was tested against the basic conditions set by legislation during the Neighbourhood Plan Examination process. One of the Basic Conditions is that the Plan must be compatible with human rights obligations. The Council agrees that the plan meet all the basic conditions including human rights obligations.

12 Environmental Implications

12.1 Paragraphs 3.3 to 3.9 set out how the preparation of the Horsham Blueprint Business Neighbourhood Development Plan has met the requirements in relation to habitat regulations and Strategic Environmental Assessment. In addition, the neighbourhood plan that has been prepared sets out policies which seek to protect and enhance the environment. These cover a wide range of issues including biodiversity gain, green infrastructure and protection of the historic environment. It is considered that these policies will help to protect and enhance the local environment of the parish in relation to planning matters.

13 Other Considerations

13.1 It is not considered the making of Horsham Blueprint Business Neighbourhood Development Plan will have any further additional impacts including those in relation to GDPR/Data Protection or Crime & Disorder.