

Horsham Local Plan 2023-2040 Examination

Matter 9: Sites Allocated for Development in
the Plan

Issue 1: Whether the strategic sites allocated in the Plan and associated policies are justified, effective, consistent with national policy and positively prepared?

Q.9: Is Strategic Policy HA2: Land west of Ifield sound?

1. No.
2. The Housing Trajectory¹ indicates that the Council is reliant on the delivery of this site from 2030/31. No planning application has been submitted for the site at the present time, and it has not been subject of an Environmental Impact scoping request. The latest edition of the Lichfields Start to Finish report (September 2024) identifies an average timescale from the validation of a planning application to the completion of the first dwelling for development of between 1,500 and 1,999 dwellings of 5.3 years.
3. Accordingly, if a planning application was submitted by the end of 2025 for the development of Land west of Ifield, which is potentially ambitious, the first delivery would not be expected before the end of 2030. As such, to expect the delivery of 90 dwellings during the year 2030/31 is unrealistic and inconsistent with paragraph 74d² of the Framework.

Issue 2: Whether the other sites (settlement site allocations) allocated in the Plan and associated policies are justified, effective, consistent with national policy and positively prepared?

Q.5: Is Strategic Policy HA9: Henfield Allocation sound?

a) HNF1?

4. As identified in our Matter 2 Statement, the proposed allocation of only 55 dwellings at Henfield in the Plan period up to 2040 is not proportionate or consistent with the achievement of a sustainable spatial strategy.
5. Land at Sandgate Nurseries (55 homes) is the only site proposed for allocation in Henfield. However, the Council's revised housing trajectory³ indicates only 50 dwellings are deliverable; 20 in 2030/2031 and 30 in 2031/2032. The allocation wording, therefore, needs to be updated to refer to 50 dwellings.
6. Notwithstanding this, it is notable that the site was also considered as part of the process for the Henfield Neighbourhood Plan, but not taken forward as an allocation as it was not considered deliverable.
7. It was also subject to a dismissed appeal for 72 dwellings in December 2016 (Horsham District Council ref. DC/14/0588⁴) and an outline application for 51 dwellings (Horsham District Council ref. DC/21/0908) was refused in December 2021. The

¹ Appendix A of Document ref. HDC03

² Framework paragraphs referred to are from version published in September 2023 which Local Plan is being examined against

³ September 2024

⁴ Planning Inspectorate ref. APP/Z3825/W/14/3001703

latest refusal reasons included issues relating to water neutrality, impact on the Grade II listed Deer Farm and the proposed access.

8. A further application was submitted in February 2023 for a continuing care retirement community of up to 72 units and up to 10 starter homes, which remains undetermined (Horsham District Council ref. DC/23/0189). The current proposals for the site primarily relate to older persons accommodation, which is not consistent with the allocation wording.
9. This application is subject to outstanding objections from Natural England and the Council's Environmental Health & Licensing and Conservation Officers, which raise concerns regarding water neutrality and impacts on the Deer Farm Listed Building.
10. On this basis, particularly having regard to the comments raised by the Council's Conservation Officer (**Appendix 1**), we do not consider that the Council can robustly demonstrate that the site is suitable for development.
11. In comparison, as demonstrated by the Regulation 19 representations (representor ref. 1211284), the south-western parcel of Land east of Henfield (which is now within the control of Croudace) is in a sustainable location and can include measures ensuring that a development of the site is water neutral.

Q.8: Is Strategic Policy HA12: Partridge Green Housing Allocations sound?

12. As set out in the Regulation 19 representations (representor ref. 1191660), there remains uncertainty in relation to the deliverability of proposed allocations (PG2 and PG3).
13. Proposed allocation PG2 (55 dwellings) was subject to an outline application for up to 55 dwellings, but this was refused on 28th February 2023 (Horsham District Council ref. DC/22/0301) and is now subject to a live appeal (Planning Inspectorate ref. APP/Z3825/W/23/3324144).
14. The decision notice issued by Horsham District Council included refusal reasons relating to a lack of mitigation to address water neutrality and insufficient ecology information.
15. In regard to proposed allocation PG3 (120 dwellings), it is noted that this site has been subject to a number of previous applications which have all been refused by Horsham District⁵. It is currently subject to a live outline application for up to 120 dwellings submitted in March 2024, which seeks to address the water neutrality issues raised on previous applications (Horsham District Council ref. DC/21/2704). However, concerns remain regarding water neutrality mitigation with Natural England's latest response (10th September 2024 – **Appendix 2**) requesting further information.

⁵ Horsham District Council refs. DC/16/2945, DC/18/1814, DC/19/2506 and DC/21/2704

Appendix 1



HORSHAM DISTRICT COUNCIL CONSULTATION

TO:	Horsham District Council – Planning Dept
LOCATION:	Sandgate Nursery, West End Lane, Henfield
DESCRIPTION:	
REFERENCE:	DC/23/0189
RECOMMENDATION:	Advice / No-Objection / Objection / More-Information / Modification / Refusal
SUMMARY OF COMMENTS & RECOMMENDATION:	

MAIN COMMENTS:

Dear Amanda,

As an outline application, this has the same fundamental impact as DC/21/0908. My view remains the same in terms of the impact to heritage; that this will result in less than substantial harm at the lowest end of that scale. Both West End Lane and Hollands Lane are ancient access lanes to and from the river and the village. It is clear when looking at the existing footpaths and bridleways that these lanes were an important link between Henfield and Ashurst across the river. The Adur was navigable to Mock Bridge until the early nineteenth century and so this would have been an important transport link for the village until this time. West End Lane and Hollands Lane would have been much busier than they are today. However, they would have been country lanes bounded by farmland. The pattern of farms following the curve of the east bank of the river to Mock Bridge can still be seen on modern maps.

I understand this site has been subject to earlier, unsuccessful applications to develop. An important constraint was the proximity of Dears Farmhouse, now Camellia Cottage. The current application has sought to create a clear physical and visual buffer between the proposed development and the listed building. My view is that this will ensure some perception of separation between the suburban development and the historic farmhouse. However, there will be some impact within the wider setting of the listed building and this will result in less than substantial harm at the lowest end of that scale. The public benefits of the proposal should be weighed against this harm. Although the site is not within a conservation area it does have some interest in terms of its openness and reinforcement of the character of both ancient lanes. Development will result in a further suburbanisation of the west of Henfield and a dilution of the important transition between village and countryside. I imagine these issues have been discussed as part of the Neighbourhood Plan.

Regards,

Seán

ANY RECOMMENDED CONDITIONS: N/A**NAME:**

Seán Rix

DEPARTMENT:

Conservation

DATE:

10.10.24

Appendix 2

Date: 10 September 2024
Our ref: 485013
Your ref: DC/24/0428



Horsham District Council
Parkside
Chart Way
Horsham
4H15 1RL

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Giles Holbrook

Planning consultation: Outline planning application for the erection of up to 120 dwellings with public open space, landscaping, and sustainable drainage system (SuDS) with vehicular access point with all matters to be reserved except access.

Location: Land North of Shermanbury Road Partridge Green RH13 8E

Thank you for your consultation on the above dated 08 August 2024 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on:

- Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site
- Pulborough Brooks and Amberley Wild Brooks Site of Special Scientific Interest (SSSI)

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further evidence of the application's proposed offsite offsetting measures.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required

Water Neutrality Arun Valley SPA, SAC and Ramsar Site

The proposed development falls within the [Sussex North water supply zone](#); As set out in Natural England's [Advice Note regarding Water Neutrality within the Sussex North Water Supply Zone](#), the existing water supply in the Sussex North water supply zone cannot be ruled out as contributing to the declines in wildlife within internationally protected sites in the Arun Valley SPA, SAC and Ramsar site. Achieving water neutrality is recognised as a suitable method to rule out potential adverse effects on the integrity of these sites arising from development.

Habitats Regulations Assessment.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal, in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that **it is not possible** to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question.

Natural England advises that the assessment does not currently provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage.

We advise that the following additional work on the assessment (please see below) is required to enable it to be sufficiently rigorous and robust. We welcome ongoing engagement with your authority to address these matters. Natural England should be re-consulted once this additional work has been undertaken and the appropriate assessment has been revised.

Additional Information Required:

We advise that the Water Neutrality statement dated March 2024 is revised to include supporting evidence of the proposed offsetting measures, as detailed below.

Proposed offsetting measures

It is understood by Natural England that the applicant proposes to offset the anticipated water consumption for this development by either contributing to the Sussex North Offsetting Water Scheme (SNOWS) or alternatively by purchasing credits from a third-party credit scheme.

The Planning and Affordable Housing Statement dated March 2024 explains that the applicant proposes to use a Grampian style condition and legal agreement to prevent the commencement of the proposed development until water offsetting credits have been either purchased from the third-party credit scheme or secured from the Sussex North Offsetting Water Scheme (SNOWS) strategy.

SNOWS

Given that SNOWS has not yet been implemented there are uncertainties regarding capacity, timeframe for implementation and prioritisation of access to the scheme. As such, it is the opinion of Natural England that the conditioning of the SNOWS strategy is not appropriate to rely on at this time.

Third Party Credits

The Water Neutrality statement states that the applicant is in a position to secure third party offsetting credits and puts forward a proposal with provisional terms for the purchase of water credits from Nicholls Countryside Construction.

While the purchasing of water credits is a suitable mitigation method in principle, we understand that

the proposal does not represent a commitment with it being stated that credits are issued on a first come, first served basis. Regulation 63 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site, subject to the exception tests set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, as the credit scheme has yet to be agreed or implemented, we advise that the proposal does not provide enough information or certainty to enable adverse effects on site integrity to be ruled out.

We therefore recommend that either further evidence is submitted pertaining to the proposed offsite offsetting measures, or an alternative mitigation strategy is proposed.

Securing offsetting/mitigation measures in perpetuity

Natural England advise that any offsetting measures required to achieve water neutrality will need to have their maintenance and management appropriately secured with the competent authority, in perpetuity.

Final Comments

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me on Taneisha.mallett@naturalengland.org.uk.

Please consult us again once the information requested above, has been provided.

Yours sincerely

Taneisha Mallett
Sustainable Development Officer, Sussex and Kent

Annex A –Natural England general advice

Protected Landscapes

Paragraph 182 of the [National Planning Policy Framework](#) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. [Section 245](#) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Biodiversity duty

The local planning authority has a [duty](#) to conserve and enhance biodiversity as part of its decision making. Further information is available [here](#).

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on '[appropriate assessments](#)'. Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via [Impact Risk Zones](#) or as standard or bespoke consultation responses.

Protected Species

Natural England has produced [standing advice](#) to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species [licence](#) may be required in certain cases.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre,

Annex A –Natural England general advice

wildlife trust, geoconservation groups or recording societies. Emerging [Local Nature Recovery Strategies](#) may also provide further useful information.

Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on [Gov.uk](#).

Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the [NPPF glossary](#)) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

Further information on biodiversity net gain, including [draft Planning Practice Guidance](#), can be found [here](#).

The statutory [Biodiversity Metric](#) should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites, the [Small Sites Metric](#) may be used. This is a simplified version of the [Biodiversity Metric](#) and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the [Biodiversity Metric](#) and is available as a beta test version.

Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government [Planning Practice Guidance for the natural environment](#).

Ancient woodland, ancient and veteran trees

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Annex A –Natural England general advice

Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website and the [Data.Gov.uk](#) website

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Green Infrastructure

Natural England's [Green Infrastructure Framework](#) provides evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the [15 Green Infrastructure Principles](#). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 104 and 180 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Further information is set out in Planning Practice Guidance on the [natural environment](#)



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