



HORSHAM LOCAL PLAN EXAMINATION: MATTER 1 LEGAL AND PROCEDURAL REQUIREMENTS (OUR PLACE REF 1198209)

MATTER 1 , ISSUE 2: PROCEDURAL AND LEGAL REQUIREMENTS

1. This statement has been prepared on behalf of Our Place Sustainable Development Limited ('Our Place'). It follows the Inspector's Notes ID03 (Examination Guidance Note) and ID04 (Matters, Issues and Questions) and considers the soundness of the Submitted Regulation 19 Local Plan (SD01).
2. As background, Our Place is both the landowner and the master developer for the proposed 150 ha Kingswood new settlement. Located close to Adversane¹ south of Billingshurst, it has the potential to deliver 2,850 homes, employment and town centre uses (providing 2,450 jobs)² with associated open space, schools, community facilities and infrastructure. Despite Our Place proactively engaging with the Council throughout the local plan process, having signed up to a planning performance agreement (PPA) and providing extensive evidence to demonstrate the unconstrained and deliverable nature of Kingswood, it has been unjustifiably omitted from the Local Plan³.
3. This Statement summarises why the processes followed by the Council do not comply with the necessary legal requirements, and are unsound and the Local Plan is not positively prepared in respect of the questions posed by the Inspector in relation to this matter. Statements have been lodged in respect of other matters and, where appropriate, these are referenced in this statement.

Q4: Does the SA assess all reasonable alternative spatial strategy options, levels of housing and employment need and options relating to other policies in the Plan? Whether it is considered that there are no reasonable alternatives, relating to all policies in the Plan this is clearly explained?

4. **No.** The Council's approach to the selection and assessment of options for growth is summarised in Topic Paper 1 (HDC 01), which explains how the 2018 SHELAA considered growth scenarios ranging from 1,000 houses per year to 1,800 houses paragraphs 5.5 and 5.6), which were assessed in the December 2023 SA. The Topic Paper goes on (at paragraphs 5.7 to 5.10) to explain how six spatial options for growth were considered and assessed at Regulation 18 stage, including Option 3 relating to New Garden Towns (which assumed that 90% of growth is considered in new garden towns).
5. Both the law and, the NPPF requires Local Plans to take into account reasonable alternatives, with the PPG⁴ also making it clear that: *The sustainability appraisal needs to consider and*

¹ Which it is often called in the Councils' evidence base (under reference SA597)

² Comprising circa 11,419 sq.m of office space, 3,000 sq.m of light industrial, 7,255 sq.m of retail floorspace and a hotel

³ Extensive representations on behalf of Our Place were submitted to both the Regulation 18 and 19 versions of the draft Plan (ref [SD13, 1198209](#)).

⁴ Paragraph: 018 Reference ID: 11-018-20140306, Revision date: 06 03 2014



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compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted..... “ [Emphasis Added]

6. The Local Plans’ Spatial Strategy has been directly influenced by the constraints to growth brought about by water neutrality. However, the Council has failed to properly consider all reasonable alternatives.
7. Rather than undertake a full update to the SA to accompany the Regulation 19 Plan, the Council chose to undertake a limited update which relied upon large parts of the full 2021 SA which informed the Regulation 18 Plan. As paragraph 7.12 of the Topic Paper 1 explains:
“In developing the lower growth strategy many of the conclusions from the 2021 Sustainability Appraisal process were still found to be valid. Overall, the conclusion from the SA what options 1 and 4 (Existing settlement hierarchy and new urban extension) together should form the main basis for the locational strategy was carried forward..... Given that the sustainability process had concluded that new settlements performed less favourably against the sustainability objective, these sites were therefore not incorporated into the Preferred strategy, given the challenges of delivering a higher housing target in the context of water neutrality.”
8. Following this approach, the Council summarised the position from the previous SA and focussed on low growth scenarios because of water neutrality. Section 6 of the December 2023 SA then explains that two water neutrality related options were assessed; Option 1 (110 l/p/d) is based on the amount of dwellings that could be built without offsetting/water extraction at Pulborough) and Option 2 (85 l/p/d) is based on more ambitious targets which would require an offset. On the basis of Option 2, an annual housing requirements of 777 dpa was assessed; some 15% lower than the OAN for housing of 917 dpa.
9. Given that the OAN for housing should be the starting point for housing growth consistent with the NPPF, the Local Plan should have been informed by a scenario which at least seeks to deliver the OAN in the knowledge of the water neutrality constraint and further scenarios for higher growth (recognising the imperative to meet unmet need from neighbouring authorities). Scenarios of this type would mean that the plan would have been positively prepared and has considered all reasonable alternatives as required in law. Furthermore it would help to inform what mitigation and/or commitments would have to be in place to deliver the OAN/higher growth scenarios. In doing so, it would need to reconsider whether Options 1 and 4 (Existing settlement hierarchy and new urban extension) were the correct choices in the context of water neutrality or whether others like Option 3 (New Garden Towns) were superior.
10. The Council’s update approach means that no consideration has been given to the potential for some types of sites (e.g. New Garden Towns) or specific sites (e.g. the Adversane Site) to be better able to deliver water neutrality objectives through commitments and/or on site infrastructure. This is flawed and a breach of the legal requirements and policy. As explained in the Our Place response to Matter 3, the Adversane Site has the ability to deliver on both. However, such advantages have simply not been considered or assessed in the latest SA update. Table 4.3 of the December 2023 SA Update only reproduces the summary tables of the SA supporting the Regulation 19 Plan and lists the Adversane Site as ‘negligible likely effect’ for water (other sites scored ‘Minor negative effect likely’).



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11. Because the December 2023 SA sought to update the earlier version of the document, it also did not properly take into account new information provided, input from developer forum days and the Housing Market Update report.
12. It is also evident that there are clear inconsistencies in the approach and analysis in the SA. As explained in the Our Place Regulation 19 representations:

“71. Specifically in relation to the Adversane Site, paragraph 4.40 of the SA update states that the “new settlement options appraised Adversane and Buck Barn performed comparably with only a marginal difference between them”. This contradicts the statement in Table 7.1 with reference to Buck Barn “although this site was previously included as an allocation in the July 2021 version of the Regulation 19 Local Plan, this site was the least well performing of the potential strategic sites when assessed against SA objectives, and the least favourable when considered against the Local Plan objectives”.

72. It also claims that Buck Barn performed best in relation to impacts on landscape character, and biodiversity, on the basis it would support substantial green infrastructure and a Country Park, whereas Adversane outperformed Buck Barn on climate change & air quality and is less likely to result in increased traffic in an AQMA. However, the purported low scoring of Adversane in this regard is flawed. In addition, the Open Space Strategy for Kingswood on the Adversane site has been marginally modified, such that all Open Space requirements have been met. However, this is not a proper analysis or assessment given the masterplan allocates over a third of space to green infrastructure and open spaces. This should obviously result in a more favourable score for Adversane. Therefore, the SA and supporting evidence base are at odds, and they unfairly dismiss Adversane in respect of various factors that could otherwise provide a housing led new settlement and be vital in delivering some of the significant unmet needs of the district.”

13. In conclusion, the SA approach fails to comply with the legal requirements. The incremental update process means that all reasonable alternatives have not been assessed. The resultant Regulation 19 Local Plan is not compliant with the law in relation to SEA and SA, not sound nor positively prepared, contrary to para 35 of the NPPF.