

# Horsham District Local Plan 2023-2040 Examination

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**Our ref** 61647/02/MS/HBe  
**Date** 21 November 2024  
**From** Lichfields obo Berkeley Strategic Land Limited

## Subject Matter 2: Plan Period, Vision, Objectives and the Spatial Strategy

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This Hearing Statement has been submitted by Berkeley Strategic Land Limited ('Berkeley'); promoting the 'Land North West of Southwater' (HA3) 'Strategic Site' for around 1,000 homes.

Appendix 1 to Berkeley's Matter 1 statement sets out a Table of Modifications as proposed within Berkeley's submitted Hearing Statements (Matters 1 to 10).

### 1.0 Issue 1 – Is the context and Plan period clear and would the strategic policies of the Plan look ahead over a minimum of 15 years from adoption?

**Q1. The Plan period is 2023/24 to 2039/2040, what is the Council's anticipated date of adoption? Would the strategic policies of the Plan look ahead over a minimum of 15 years from adoption as required paragraph 22 of the NPPF? Is the approach justified, effective and consistent with national policy?**

1.1 The Council's (HDC) anticipated date of adoption is May 2025 (as set out in the Local Development Scheme<sup>1</sup>). Therefore, the plan would not have a minimum 15 year horizon upon adoption. **Berkeley objects** to the plan period on the basis that it is not consistent with national policy (paragraph 22, NPPF Sep 2023). A modification to extend the plan period to 2041 is necessary.

**Q2. Paragraph 1.2 of the Plan says the Plan considers a longer term context up to 30 years for strategic scale development. Which specific parts or policies of the Plan specifically considers this longer term context e.g. the "Strategic Site Allocations" and is the Plan effective in this regard?**

1.2 Commenting on Berkeley's interests at 'Land North West of Southwater' (LNWoS) (HA3) the relevant site policy includes supporting text<sup>2</sup> referring to a "30 year vision for the area". This policy therefore considers the longer term context of its delivery. However, as per Matter 8 Statement and representations to the Reg 19 plan<sup>3</sup> Berkeley considers that LNWoS

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<sup>1</sup> (SP03) Chart 1

<sup>2</sup> SD01 paragraph 10.100

<sup>3</sup> Response ID 1198968

can be delivered in its entirety by 2041. The site policy therefore does not strictly need to look ahead over a 30-year period to accord with national policy (paragraph 22, NPPF Sep 23).

**Q3. Is paragraph 2.12 consistent with the Levelling Up and Regeneration Act (2023) in relation to the South Downs National Park?**

1.3 No comment.

**Q4. Do the Chapter 1: Introduction and Chapter 2 Planning Context sections of the Plan adequately explain the role and relationship between the Plan and the Neighbourhood Plans (made or in preparation) in delivering the development required in the district?**

1.4 No, it does not and **Berkeley objects**. The plan should set out clearly how its policies interact with Neighbourhood Plans (NPs) (both adopted and emerging) including in respect of plan allocations. The plan should be modified to clearly state that allocations within the emerging local plan – that are also located within areas with adopted NPs (such as HA3) – both (1) supersede those said NP allocations, and (2) that future NPs must be prepared in conformity with this local plan. This could be added to the plan at paragraph 2.18 (SD01).

**Issue 2 – Whether the Spatial Vision and Objectives are justified, effective, consistent with national policy and positively prepared?**

**Q1. Is the vision clearly articulated? Is the relationship between the vision and objectives clear? Are the Plan’s vision and objectives soundly based? How do they relate to the longer term context set out in paragraph 1.2 of the Plan?**

1.5 Yes, the vision is clearly articulated at paragraph 3.13 of the plan; it is soundly based and LNWoS can help support this vision.

1.6 Some of the plan’s objectives are soundly based; they clearly relate to the sustainable development principles of the NPPF, and again LNWoS can help support these objectives. In particular, Berkeley supports Objective 5 (to bring forward well designed and inclusive development) and Objective 10 (to provide a range of housing that meet a range of needs including for young people, families, older people and those needing affordable housing). Berkeley also considers that the objectives contribute to securing longer-term growth and benefits referred to in paragraph 1.2 of the plan; all objectives relate to sustainable growth that can endure beyond the plan period, and indeed some objectives (e.g. Objective 2 on carbon emissions) explicitly refer to timeframes post-2040.

**Q2. Objective 9 refers to “smaller market towns” – how does this relate to the settlement hierarchy set out in Strategic Policy 2?**

1.7 ‘Smaller market towns’ – as referred to in Objective 8, 9, and paragraph 9.4 – it not a term that appears in the settlement hierarchy in SP2. Therefore, **Berkeley objects** because it is not clear how this relates to the settlements in the hierarchy in SP2. The Council should

include a modification to amend the wording of the objective to reflect the terms used in the settlement hierarchy in SP2.

**Q3. Do the objectives recognise the need for and role of services and facilities outside of the main town, smaller towns and villages (Tier 1 and 2)? If not, should they?**

- 1.8 **Berkeley objects** to the objectives as currently drafted insofar as they do not recognise the need for and role of services and facilities, including new housing outside the main town, smaller towns and villages (subject to the amendment of the term ‘smaller market towns’ as noted in our response to Q2 above). This could be address via a modification to Objective 10 which amends “Provide a range of housing developments across the District...” to “Provide a range of housing developments across all parts of the District...”.

**Issue 3 – Whether the Spatial Strategy and overarching policies for growth and change are justified, effective, consistent with national policy and positively prepared?**

**Q1. What is the proposed distribution of development (housing and employment) for each settlement and type identified in the settlement hierarchy (in total and for each year of the plan period)?**

- 1.9 **Berkeley objects** as the plan does not currently set out the distribution of development by settlement type (although this can be deduced from the plan). Berkeley considers this should be added to the plan for the purposes of clarifying the spatial strategy: ensuring the plan is effective (NPPF paragraph 35c). This can be addressed via a modification, either as part of SP2 (Development Hierarchy), SP37 (Housing Provision) or a new policy.
- 1.10 Furthermore, Figure 3 of the plan (SD01) should be updated to show all strategic allocations; both those that have been carried over from the previous plan and new allocations. At present, Figure 3 shows a mixture of new allocations (e.g. Land East of Billingshurst and Land West of Ifield), along with LNWoS (a carried over but expanded allocation) and omits the other carried over allocations Land at Kilnwood Vale and Land North of Horsham (noting that Land North of Horsham – like LNWoS - has also been expanded). This can be dealt with via a modification to Figure 3.

**Is this distribution justified and effective?**

- 1.11 Yes, the broad distribution is justified and effective. Berkeley supports the overall spatial strategy to expand settlements via strategic housing allocations which are supported by infrastructure and a mix of uses (including employment). Berkeley supports the distribution as being justified by the spatial strategy and Sustainability Appraisal (EN07).

**Q2. Is Strategic Policy 1: Sustainable Development sound? a) Should this policy or its justification have a greater emphasis on reducing the need to travel by private motorised transport?**

- 1.12 Berkeley does not consider that a specific modification is needed as this forms part of the environmental objective in the definition of sustainable development set out in national policy (paragraph 8c NPPF Sep 2023). However, should the Inspector consider that this amendment is necessary, LNWoS would be fully capable of supporting that objective (noting that Strategy Policy HA3 already includes a number of requirements for LNWoS which relate to sustainable transport and reducing car use, including criterion (f) and criterion (7)).

**Q3. Is Strategic Policy 2: Development Hierarchy sound? a) Are the settlement types described justified and effective? b) Have all relevant settlements been identified and placed in the correct settlement type?**

- 1.13 No. **Berkeley objects**. The ‘small towns and larger villages’ category within Table 3 of Policy SP2 should be split up. This is to clearly define which are the smaller towns. This is to ensure the plan is effective (NPPF paragraph 35c). Berkeley considers that Southwater should be identified as a ‘small town’ within Policy SP2.

**c) Have Air Quality Management Areas informed the classification of settlements into settlement types?**

- 1.14 No comment.

**d) Are the built-up area boundaries and secondary settlement boundaries justified and effective?**

- 1.15 Yes, however, **Berkeley objects** to the description of the built-up area boundaries (BUABs) within the plan as it is not effective. Paragraphs 4.34 of the plan (SD01) states that within BUABs development is accepted in principle whereas development outside them will be more ‘strictly controlled’. This paragraph should refer to Policy SP3 to make a clear link that development outside the BUABs on land that is allocated (and subject to other criteria) is suitable.

**e) What is the relationship between settlement types, settlement boundaries and the sites allocated in the Plan? Has land West of Ifield allocated in the Plan adjoining Crawley been dealt with effectively in the settlement hierarchy?**

- 1.16 No comment.

**f) Does Policy 2 limit development to within defined built-up area boundaries and secondary settlement boundaries? Is this approach consistent with paragraph 4.31 of the Plan which refers to “limited development” outside these locations? Is it clear what is meant by “limited development”?**

- 1.17 **Berkeley object**. There appears to be a conflict between paragraph 4.31 and Policy SP2 of the plan (SD01). The phrase “*Development will be permitted within towns and villages*”

*that have defined built-up area boundaries...” could be interpreted to mean that development will be permitted in towns and villages (in any locations), provided that a BUAB exists for that town (e.g. on the policies map). In other words, there is not explicit requirement for development to be within the BUAB. If the Councils intention is to limit development to being within BUABs, the policy should be amended to “Development will be permitted within towns and villages ~~that have~~ within defined built-up area boundaries...”.*

1.18 Regarding paragraph 4.31, the reference which states “*Medium and smaller towns and villages have the potential to address identified local needs. Limited development to meet these needs will be supported....*”. There are several issues with this:

- 1 ‘Medium Towns’ does not appear in the settlement hierarchy;
- 2 The settlement hierarchy combines ‘Small Towns and Larger Villages’ together, and does not identify which settlements in the list are ‘Small Towns’ and which are ‘Larger Villages’;
- 3 Assuming that ‘Smaller Towns’ are those same settlements as those listed in ‘Small Towns and Large Villages’, the notion that these will deliver housing to address ‘local need’ and be subject to ‘limited development’ is directly contradictory to the spatial strategy, which makes significant allocations at Southwater, Billingshurst and Kilnwood Vale (all of which fall within ‘Small Towns and Large Villages’); and
- 4 Is it unclear what is meant by ‘limited development’.

1.19 A modification to Policy SP2 and its supporting text is therefore required to ensure the plan is effective (NPPF paragraph 35c) and contains clear and unambiguous policies (paragraph 16).

#### **Q4. Is Strategic Policy 3: Settlement Expansion sound? a) Is it consistent with other policies in the Plan?**

1.20 No, therefore **Berkeley objects**. The policy as written appears to place additional policy requirements on sites allocated in the plan as ‘all’ criteria must be met for development outside the BUABs to be supported. This would conflict with the strategic site allocations that have their own specific policy framework to accord with. The Council has proposed a modification<sup>4</sup> that the Policy SP3 requirements would not apply to the strategic sites and implementing this would resolve Berkeley’s objection.

#### **b) Is it justified and effective in terms of the approach to development outside of built-up area boundaries, secondary settlement boundaries or sites allocated in the Plan?**

1.21 No, therefore **Berkeley objects**. For the strategic sites in particular (HA1 – HA4) the policy as written is not effective. As per our response to Q4a above, it would appear to place

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<sup>4</sup> HM008, SD14.

additional requirements on the strategic sites; however, the Council has proposed a suitable modification that would resolve Berkeley's objection<sup>5</sup>.

**c) Does this policy apply to all settlement types identified in Strategic Policy 2?**

- 1.22 It is unclear, and therefore **Berkeley objects**. The policy states "*outside built-up area boundaries, the expansion of existing settlements will be supported...*" although it is unclear what this applies to, for example whether 'existing settlements' includes 'Unclassified Settlements' which are 'all other settlements' in the settlement hierarchy. A modification should be made to clarify which settlement types are being referred to.

**d) Is it clear how a decision maker should react to the term "defensible boundary"?**

- 1.23 As noted in our response to Q4a above, Berkeley supports the Council's proposed modification to this policy to ensure the requirement at criterion number 5 (referring to 'defensible boundary') does not apply to the strategic sites. Notwithstanding, it is not clear what the policy means by 'defensible boundary', for example whether this must be an existing boundary or can be one proposed as part of development. Therefore, **Berkeley objects** and a modification is required to ensure the plan is justified and effective (NPPF paragraph 35b & 35c).

**e) Does criterion 6 unnecessarily duplicate other policy requirements and is it necessary to reference any other specific development constraints such as those related to transport or the natural environment?**

- 1.24 Yes, and therefore **Berkeley objects**. Criterion number 6 unnecessarily duplicates other policy requirements set out in Policy SP9. Criterion number 6 should be deleted to ensure the policy is effective (NPPF paragraph 35c).

**f) Is the geographical application of this policy on the Policies Map effective?**

- 1.25 No, therefore **Berkeley objects**. The policy maps show areas outside the BUABs as falling under SP14 (Countryside Protection). This layer should also refer to Policy SP3.

**Q5. Should Strategic Policies 2 and 3 be more specific in terms of the amount of housing and employment land to be provided within each settlement or settlement type over the Plan period in the interests of effectiveness?**

- 1.26 Yes, therefore **Berkeley objects**. As noted in our response to Q1 above the plan does not currently set out how much growth is planned for in each settlement type (and the inclusion of this would help provide clarification and ensure the plan is effective).

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<sup>5</sup> HM008, SD14

**Q6. Should the role of Neighbourhood Plans be more clearly articulated in Strategic Policies 2 and 3 or their justification text in the interests of effectiveness?**

- 1.27 Yes, therefore **Berkeley objects**. The role of NPs should be clarified, as per the modifications that we have suggested throughout this Matters Statement to various parts of the plan. SP2 and SP3 should also confirm how NPs fit into the plan's wider role.

**Issue 4 – Whether the strategy and overarching policies for growth and change in Horsham Town and Broadbridge Heath are justified, effective, consistent with national policy and positively prepared?**

**Q1 – Q2.**

- 1.28 No comment.

**Word Count:** 1,711