

Examination of the Horsham District Local Plan

Statement on behalf of Highwood Group

Representation Number(s): 1194363, 1194366, 1194369

Matter 8 – Housing

November 2024

Turley

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Client

Highwood Group

Our reference

HIGS3003

November 2024

1. Introduction

- 1.1 This statement is submitted on behalf of Highwood Group, who have interests in the assessed reasonable alternative growth option west of Billingham (See Regulation 19. Representations: [Document F](#)).
- 1.2 The statement responds to the Inspectors' Issues and Questions for Matter 8 – Housing.
- 1.3 Section 20(2) of the PCPA states that the LPA must not submit their Local Plan unless they think it is ready for independent examination. Paragraph 1.2 of the [Procedure Guide for Local Plan Examinations](#) elaborates, stating:

'Having considered the Regulation 19 consultation responses, the LPA should only submit a plan if they consider it to be sound Before submission, the LPA must do all it can to resolve any substantive concerns about the soundness or legal compliance of the plan, including any raised by statutory undertakers and government agencies. (our emphasis).
- 1.4 Paragraph 1.5 of the same document sets out the procedure to follow if the LPA do wish to make changes to remedy issues of soundness prior to formal submission of the Regulation 19 Plan. Our client submitted representations to the Regulation 19 consultation stage, detailing significant issues pertaining to the plan's soundness, and respectfully invited Horsham District Council to explore this option, specifically in relation to Policy HA4 of the plan. This approach would have reduced the prospect of substantial modifications having to be made, and then consulted on during the examination process, contrary to the aforementioned guidance.
- 1.5 The Council have opted not to pursue this option. The [significant concerns](#) outlined by our client at the Regulation 19 stage, on issues pertaining to the plan's soundness, have not therefore been overcome in the submitted version of the plan.
- 1.6 Accordingly, we have examined the Inspector's questions for Matter 8 and provide responses to those we wish to contribute to debate on. We have also respectfully requested the opportunity to participate in the forthcoming hearing sessions to assist the Inspector further on such matters.

2. Response to Issues and Questions for Matter 8 – Housing

Issue 1: Housing Provision

Question 1. Is Strategic Policy 37: Housing Provision sound?

- 2.1 No. HDC are proposing a capacity led approach to housing provision under Strategic Policy 37, one which fails to provide for the districts objectively assessed needs, contrary to Paragraph 11b of NPPF. HDC consider this is justified in light of water neutrality constraints, and accounting for the approach and mitigations proposed under Strategic Policy 9.
- 2.2 However, we are aware of ‘suitable’ sites not currently proposed for allocation in the Local Plan, including our client’s lands West of Billingshurst, which can mitigate part or all of their developments impact without recourse to SNOWS. This would negate the need to use additional credits from the LPA’s off-setting scheme under policy SP9.
- 2.3 As set out in our representations to [Policy HA4](#), HDC conclude our client’s site to be a reasonable alternative option to Policy HA4 – Land East of Billingshurst. As set out in our Matter 3 Statement, our client considers they can deliver a bespoke water neutrality solution for part or all of their comprehensive mixed-use proposals, without recourse to SNOWS.
- 2.4 As seems evident from representations submitted by the HBF and other site promoters, this is not an isolated example. There are many more sites across the district that could similarly mitigate part or all of their sites impacts without recourse to SNOWS.
- 2.5 HDC have not provided compelling evidence as to why the adverse impacts of meeting more of their objectively assessed need, through the allocation of additional suitable sites capable of mitigating such impacts without SNOWS, would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole (NPPF, paragraph 11b). The approach is thus neither justified nor positively prepared, when assessed under paragraph 35 of the Framework.
- 2.6 Given the scale of identified housing needs unable to be met within the plan period, we would recommend HDC revisit the potential to allocate additional suitable sites that can demonstrate water neutrality in the Local Plan. This should be explored and consulted upon through the modification stages of the plan, to determine the extent to which HDC can meet more of their unmet housing need across the district, and indeed those from adjoining authorities, where reasonable to do so, and consistent with the Framework. In the absence of this evidence, and in response to the Inspector’s specific question, it is difficult to see how the plan’s approach to housing provision satisfies the positively prepared, justified and consistent with national policy tests of soundness.
- 2.7 For the reasons outlined above, we would respectfully request HDC revisits opportunities to allocate additional lands for housing to help meet the shortfall

identified in Strategic Policy 37 over the plan period; comprising sites considered suitable and able to demonstrate water neutrality. As elaborated upon in our response to Issue 2 below, our client's lands West of Billingshurst comprise one such opportunity.

Issue 2: Housing Land Supply

2.8 *Question 1. Were the proposed housing allocations selected on the basis of an understanding of what land is suitable, available and achievable for housing in the plan area using an appropriate and proportionate methodology, and are there clear reasons why other land which has not been allocated has been discounted?*

2.9 No. We do not consider HDC have deployed an appropriate and proportionate methodology, nor provided clear reasons for not allocating suitable lands for development West of Billingshurst. HDC shortlisted this site as a reasonable alternative to the strategic allocation East of Billingshurst proposed under policy HA4. Our client's site would help meet a greater level of housing need (1000 homes versus the 650 proposed East of Billingshurst under Policy HA4), including affordable and elderly accommodation, for which there is an acute need; and provide their own bespoke water neutrality solution, without recourse to SNOWS. The comprehensive proposals, which include a wide range of benefits beyond just residential, and exceeding that proposed under the submitted Policy HA4 site alternative, are also supported by a number of community organisations across Billingshurst, including Billingshurst Parish Council.

2.10 The Sustainability Appraisal (HDC, Dec 2023) accompanying the Regulation 19 version of the Local Plan forms a key part of HDC's justification for allocating lands east of Billingshurst for growth under Policy HA4, and setting out reasons for not allocating reasonable alternatives, such as that West of Billingshurst. We have reviewed this in some detail, and have identified significant flaws in the evidence base relied upon in the SA process for this policy, and the validity of the conclusions that have been drawn from it as a consequence.

2.11 The 'Horsham District Council Regulation 19 Site Assessment Report' (HDC, Dec 2023) comprises a key piece of evidence used to inform the SA process, concluding on the effects of preferred policy HA4, versus the reasonable alternatives. As outlined in the SA itself, land West of Billingshurst (Newbridge Park) is concluded by HDC to be a reasonable alternative to that proposed East of Billingshurst under draft Policy HA4.

2.12 Paragraph: 018 Reference ID: 11-018-201403306 of the Planning Practice Guidance (PPG) confirms an SA needs to assess the likely effects of the plan when judged against reasonable alternatives. In doing so, the LPA should:

'outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option)...

.....

'Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options

considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.' (our emphasis).

- 2.13 However, and contrary to such national guidance, if one compares the assessment of 'Land East of Billinghamurst' (Pages 40-51) with the assessment of 'Land West of Billinghamurst' (pages 80-89) within the 'Horsham District Council Regulation 19 Site Assessment Report' (HDC, Dec 2023), it is evident there are significant inconsistencies in the assumptions made and effects arising for each option. The Council have not employed the same level of detail or applied assumptions and weightings consistently for each option. The extent and nature of these inconsistencies suggest a predetermined outcome was in mind during the drafting of the SA, as opposed to an objective assessment of each alternative.
- 2.14 HDC has accordingly omitted to allocate a suitable site that could help meet a proportion of the districts unmet housing need, in a sustainable location. In a form that a range of community organisations, including Billinghamurst Parish Council, are equally keen to support in place of the current HA4 site.
- 2.15 Our client set out in some detail the specific and significant flaws with the SA process at Regulation 19 stage, and specifically the evidence and assumptions upon which it is based. Our client respectfully recommended such matters be redressed by the Council prior to formal submission of the Local Plan, in accordance with Section 20(2) of the PCPA and Paragraphs 1.2 and 1.5 of the [Procedure Guide for Local Plan Examinations](#). HDC have chosen not to do so, and moved instead to submit the plan.
- 2.16 To avoid repetition, we refer the Inspector to our client's detailed [comments](#) on both the SA and Site Selection process. This sets out compelling evidence of factual errors and inconsistencies in the site assessment process that underpinned the SA assessment of reasonable alternatives to Policy HA4.
- 2.17 Contrary to Paragraph: 018 Reference ID: 11-018-201403306 of the Planning Practice Guidance, the assumptions and weightings made are not consistently and objectively applied or based on the same level of detail. The outcome of the process precludes 'meaningful comparisons' being made between the HA4 site and reasonable alternatives, and only serve to support a pre-determined outcome to support the submitted Policy HA4 site.
- 2.18 We would urge the Inspector to review the detailed evidence set out in our clients [Regulation 19 representation form](#), which sets out a detailed and compelling account of the flaws and inconsistencies in the SA process and the site assessment evidence that underpins this.
- 2.19 As set out above, our client had invited HDC to address such shortcomings prior to formal submission of the Local Plan, in accordance with Section 20(2) of the PCPA and Paragraphs 1.2 and 1.5 of the [Procedure Guide for Local Plan Examinations](#). HDC chose not to do so, and hence we would suggest this now needs to be addressed via the Modifications stage of the Examination.

- 2.20 The SA and Site Assessment evidence base should be updated, and a meaningful comparison undertaken of reasonable alternatives to Policy HA4 in light. This objective assessment process, and the views of the community via a further round of consultation, should then inform the preferred site for inclusion in Policy HA4.
- 2.21 It is our client's assertion and indeed that of the Parish Council and other community organisations, that the outcome is likely to favour Land West of Billingham being selected. All our client is calling for in the interim, is for a fair and objective assessment to be undertaken of reasonable alternatives in accordance with the SEA regulations, for this to be consulted upon, and for this to inform a final democratic decision on a preferred, justified and effective policy option for the emerging Local Plan.

- End -