

Examination of the Horsham District Local Plan

Statement on behalf of Highwood Group

Representation Number(s): 1194363, 1194366, 1194369

**Matter 6c – Strategic Policy HA4: Land East of Billingshurst
(including the proposed southern extension)**

September 2026

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Client
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Our reference
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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 6c – Strategic Policy HA4: Land East of Billingham (including the proposed southern extension).
- 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 1.4-1.5 of the same document set out the procedure to follow if the LPA wished to make changes to remedy issues of soundness prior to formal submission of the Regulation 19 Plan in 2024. Our client submitted representations to the Regulation 19 consultation stage at that time, detailing significant issues pertaining to the plan's soundness, and respectfully invited Horsham District Council to remedy such issues prior to formal submission.
- 1.5 The Council opted not to pursue this option, and proceeded to examination late in 2024. However, before such matters of soundness could be examined, the Inspector presiding over the Examination of the plan called a halt to proceedings, recommending the withdrawal of the plan on grounds the DtC had not been met. In addition, the Inspector highlighted that whilst sessions regarding matters of soundness would not therefore proceed, he felt compelled to assert at paragraph 91 of his [interim findings](#), that he nevertheless had:

'significant soundness concerns in relation to the Plan's housing requirements and spatial strategy based on the discussions held at the hearing sessions and all the evidence before the Examination at this time.'

- 1.6 As set out in our client's [representations](#) to the latest modifications consultation, the concerns raised at [Regulation 19 stage](#), on issues pertaining to the plan's soundness, have not in their view been overcome through the latest modifications to the plan and its evidence base. Our client asserts the SA and site selection evidence base the Council seek to rely upon to justify the plan's strategy is an appropriate one, continues to be flawed.
- 1.7 As we set out at length in our representations at Regulation 19 and Modifications consultation stages, and seek to highlight in this Statement, rather than an objective assessment of reasonable alternatives, there is clear evidence to suggest a pre-determined outcome was in mind in drafting the SA from the outset.

- 1.8 Our client continues to assert the reliance in such a flawed evidence base, contrary to national guidance, does not satisfy the 'justified' test of soundness in the version of the Framework relevant to this legacy plan.
- 1.9 Our client also highlights valid deliverability concerns with two particular policy outcomes selected in light of this SA process, specifically in relation to policy sites HA4 and HA(NP1), which calls into question whether such policies meet the Effective test of soundness set out in the Framework.
- 1.10 HDC have acknowledged the current plan at examination is a legacy plan that is not meeting the actual need for homes, particularly affordable homes, as calculated using the current standard method in the Framework (Aug 2026). Whilst HDC are seeking to remedy this through an immediate and parallel review of the plan, this could take some years to adopt. There are also continued uncertainties around LGR, and one cannot rule out the risk of potential further planning reforms if a new government were to be elected in 2029.
- 1.11 A great deal of weight appears to be placed on the certainty that the Local Plan review is underway and will address matters the current legacy plan ran out of time to address. However, as highlighted, given the aforementioned context, it is imperative the plan is rendered sound prior to adoption, and makes every effort to allocate suitable and deliverable sites to help meet as much of the unmet need as possible during this transition period.
- 1.12 Our client continues to request a fair and objective reassessment be undertaken of the reasonable alternatives capable of assisting HDC in this pursuit, and for this to be consulted upon, and used to inform a final democratic decision on a preferred, justified and effective spatial strategy for the emerging Local Plan. HDC have instead arguably sought to prioritise speed over precision, with the outcome that the resultant plan remains unsound. Our client requests the evidence base be updated following an objective reassessment of reasonable alternatives, and a further round of modifications consulted upon to remedy such concerns prior to adoption.
- 1.13 Accordingly, we have examined the Inspector's questions for Matter 6c 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 6c – Strategic Policy HA4: Land East of Billingshurst (including the proposed southern extension)

Question 1. Transport and Movement

- 2.1 As set out in our client's response to Q5 of the HDC Modifications Consultation Form, [in relation to MM147](#), we have concerns with the weight HDC have given to the site's accessibility credentials, particularly in relation to accessibility to the train station.
- 2.2 We have highlighted, and indeed HDC repeatedly acknowledge at pages 37 and 38 of the [Site Assessment Update Report \(HDC, June 2026\)](#), the need to address the safety concerns of Network Rail at East Billingshurst.
- 2.3 As indicated in our comments to MM147 (Q5 SA Critique) under deliverability and viability, the outcome of this additional work may well have implications on the accessibility, viability and deliverability of the eastern option.
- 2.4 There is uncertainty over the legal right to construct a bridge or underpass with Network Rail (inc. cost implications of securing such a right), over and above the cost and timescales to construct such a major piece of infrastructure over a rail line. One that is so fundamental to the safety of new residents and the sites accessibility strategy.
- 2.5 This means that it will need to be funded by the promoter at an early stage. The trigger for this requirement therefore needs to be arguably prior to first completion, given the safety concerns here to intensify use of an existing unsafe uncontrolled crossing, where we understand there have been historic fatalities. Not prior to completion of 'all dwellings', as set out in criterion 6f) of MM226. Indeed, even if a phased delivery were justified, leaving such a critical piece of infrastructure to completion of the last dwelling seems wholly unjustified, and indeed may lead to difficulties in enforcing if the last dwelling is never completed.
- 2.6 To date there has been no evidence of a formal agreement between the promoters and Network Rail regarding this crucial piece of infrastructure for the site, or feasibility of its construction within known constraints (inc. landscape, arboriculture and heritage constraints).
- 2.7 All of which could call into question the accessibility credentials of the site, and deliverability of the allocation. This is a fundamental issue for both parts of the allocation, north and south, as the intensification of the uncontrolled rail crossing will occur as a consequence of the allocation of either.
- 2.8 The provision of the bridge/underpass also raises questions with regards to the viability of the site, especially when the Site Assessment Update Report indicates that there may be issues with the viability of the site already, that mean for example a lower level of affordable housing may have to be provided (see page 34 'North of Railway' paragraph under social/housing considerations). Representations submitted by the promoters of the HA4 site to the latest Modifications consultation suggest there are also additional infrastructure

requirements sought by HDC in their IDP, which have not been accounted for in the viability evidence submitted to HDC by the promoters to date. Objections are noted to such aspects by the site promoters, the viability implications of which are unclear.

- 2.9 A further unknown from the evidence base presented thus far is whether a diversion order would be required to facilitate such a crossing, particularly if any deflection is needed to the definitive PRoW to facilitate a suitable crossing via either underpass or a bridge to meet modified HA4 policy criterion f):

'The replacement crossing must enable safe pedestrian, wheeling and cycle access over the railway.'

- 2.10 The implications of this, should such an order be required and is contested, are not clear from the submitted evidence base. It could well have significant implications for phasing and/or the site's accessibility credentials, should a bridge or underpass not prove feasible.
- 2.11 Collectively these are matters that undermine confidence the submitted policy is deliverable in its current form, which in turn undermines the effectiveness of the policy at a time when greater certainty is arguably needed given evident shortfalls in housing. All of which could materially impact the effects and score this option achieves versus the reasonable alternatives HDC identify around Billingshurst.
- 2.12 Instead, and indeed a consistent theme throughout the assessment of the HA4 site in the Site Assessment Update Report (HDC, June 2026), is that HDC appear content to leave such matters to be addressed post allocation. This is evident under numerous headings from page 31 onwards, many of which have implications for movement and accessibility. Our client asserts certain matters must be bottomed out to conclude whether the policy proposed is 'effective'. The need for much greater certainty around the feasibility, viability and delivery of a key rail bridge/underpass for pedestrian accessibility and safety comprises one of these.
- 2.13 We recommend such matters are considered further as part of an objective re assessment of this option versus reasonable alternatives.

Question 3. Impacts & Mitigation

- 2.14 See our client's representations to MM147 (Q5), specifically the summary table relating to the critique of the Site Assessment Update Report (HDC, June 2026). There remain site specific uncertainties that need to be bottomed out to deduce if the policy is effective, as set out in response to question 1 above. This includes landscape, arboriculture and heritage impacts and mitigations for a new underpass / bridge over the rail line, as previously stated.
- 2.15 In addition, it is unclear from the evidence base whether any built development, accesses across, land raising in, or other potentially vulnerable elements, are envisaged in flood zones 2 and 3 that traverse parts of the site to the south of the rail line. HA4 is not listed in the Sequential and Exception Flood Risk Tests Report (HDC, June 2026), Tables 2 and 4, suggesting no such works are proposed across such areas to deliver the allocation.
- 2.16 Appendix A of the HDC report indicates 100% of the HA4 allocation site (noted to comprise sites SA118 and SA757) is within flood zone 1. However, land south of the rail line, within

the HA4 policy boundary is clearly traversed by flood zones 2 and 3, which runs horizontally through the middle of the site. This should hopefully be a simple clarification to confirm if any of the above are proposed across such zones, and hence whether the HA4 site should have been included in the district assessment, and concluded there are no reasonable alternatives, before moving to the exception test. We are aware for example that land west of Billingshurst represents a reasonable alternative in such regards, which is not included in the aforementioned report as such an alternative.

- 2.17 In addition, the presence of surface water flooding is noted on the EA flood maps at the point a potential bridge or underpass is likely to be constructed to adhere to Policy HA4 (f). This would impact both options to a degree, but potentially more so for an underpass. It is unclear whether there is sufficient land within the control of the promoters to adequately mitigate such flooding, particularly south of the rail line, and no evidence presented as yet by HDC that there is a technical solution to mitigate such constraints. We note from the promoter's recent submissions to the main modifications consultation that work has reportedly been commissioned. However, given how fundamental this is to the effectiveness of the policy, such assurances, in principle at least, must surely be necessary prior to adoption of the Local Plan. This adds further to the uncertainties already highlighted in this section, which collectively call into question the soundness of the policy against the effective test in the Framework.

Question 4: Delivery

- 2.18 Under 'Deliverability & Viability' (Page 39 of the HDC Site Assessment Update Report), it is highlighted that promoters of the East Billingshurst option have not provided a detailed viability assessment to the Council. There are also indications the promoters are unable to provide a policy-compliant 35% affordable housing, with viability to be affected by '*tenure splits or Gypsy/Traveller requirements*' as set out by officers in other parts of the Site Assessment Report.
- 2.19 Promoters of the East Billingshurst option are also seeking a greater number of market dwellings earlier in the build, '*owing to site start up and infrastructure costs*'. This suggests the East Billingshurst option already has marginal viability issues, even before accounting for the range of other off-site infrastructure requirements listed in the Officers assessment, and yet to be accounted for.
- 2.20 A fundamental one being the need to provide a bridge or underpass to address Network Rail's concerns with the allocation of this site, as set out in our response to question 1. The cost to cross Network Rail land could be significant, over and above construction costs, and given HDC have already cited the promoter's viability concerns in providing a compliant affordable housing mix, one could reasonably assume this would have significant implications for viability and deliverability of this option.
- 2.21 The bridge would also have landscape and heritage impact implications that would need to be assessed alongside, assuming all other technical and viability constraints can be overcome. Given the importance of the bridge for pedestrian safety, and site accessibility in general, the trigger for this requirement should arguably also be prior to first completion, given the safety concerns here to intensify use of an uncontrolled crossing. Not prior to completion of 'all dwellings', as set out in criterion 6f) of MM226.

- 2.22 To date there has been no evidence of a formal agreement between the promoters and Network Rail regarding this crucial piece of infrastructure for the site, or feasibility of its construction within known constraints, which calls into question the deliverability of the allocation.
- 2.23 Hence, we have very real concerns with the proposed amendments to Policy HA4 (MM226) as drafted, versus the reasonable alternatives. It is unreasonable to suggest such fundamental matters, which run to the heart of the site's suitability and deliverability, are left to be addressed post allocation.
- 2.24 The public would have every right to feel they have been misled, if post adoption, the site promoters are forced to reduce the planning obligations taken into account in the site assessment process, to address known viability or delivery issues not bottomed out prior to allocation. As set out in our Statement for Matter 5a, the above serves to highlight the inconsistencies in the assessment process, and unjustifiable skew towards concluding the East of Billingshurst option is more favourable than reasonable alternatives. HDC have arguably sought to prioritise speed over precision, with the outcome that the resultant plan remains unsound. We accordingly recommend the SA is objectively reassessed, and further modifications (inc. additional or alternative allocations where justified) consulted upon where needed to justify the spatial strategy is sound.

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