



## Horsham District Local Plan Examination

# Response to Action Point 1 and Action Point 17

**Matter 1 Issue 1:** Whether the Council has complied with the duty to co-operate in the preparation of the Plan?

**Matter 1 Issue 2:** Whether the Council has complied with other relevant procedural and legal requirements?

**Matter 2 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?

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

**Matter 2 Issue 3:** Whether the Spatial Strategy and overarching policies for growth and change are justified, effective, consistent with national policy and positively prepared?

**HDC41**

Date: January 2025

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# Horsham District Councils Response to the NPPF published in December 2024 and Update to the Local Development Scheme to reflect a requirement to prepare a new local Plan – identify time or circumstance that would trigger this

## Links to Referenced / Relevant Documents

1. [National Planning Policy Framework - 12 December 2024](#)  
[Chief Planners Letter - 13 December 2024](#)  
[English Devolution White Paper – 16 December 2024](#)

## Background

2. During the first week of the Horsham District Council Local Plan Examination Hearings, the government published a revised version of the National Planning Policy Framework (NPPF). All references to the NPPF in this paper refer to this document unless otherwise specified.
3. The Horsham District Local Plan Inspector has requested a note setting out the implications of the publication update of the NPPF on the examination of its local plan. Given that, for the purposes of the draft plan, many of the implications of the revised NPPF relate to the transitional arrangements, this note has been merged with the response to Action Point 1, which concerns the update to the Council's Local Development Scheme and circumstances which would precipitate a Local Plan review, as there is considerable overlap between the two matters. We trust that the Inspector will find this of assistance.

## Consistency of the Submission Draft Local Plan with the NPPF December 2024

4. The Horsham District Local Plan is being examined under the NPPF September 2023. However, paragraph 231 of the December 2024 NPPF confirms that the document has immediate effect for the purposes of decision making. To ensure that the content of the Local Plan is not immediately out of date at the point of plan adoption, officers have undertaken a review of the Submission Draft Policies. The full results of this assessment are set out in Appendix 1. In summary however, for matters unconnected to housing, and the transitional arrangements (discussed later in this paper), the content of the draft Plan is considered to be broadly consistent with the policies in the NPPF. Where updates are required, these are not considered to be significant and can easily be accommodated in the modifications process.

## NPPF Transitional Arrangements

5. Annex 1 of the NPPF sets out the transitional arrangements for the purposes of plan making. Paragraph 234 states that for the purposes of preparing local plans, the NPPF applies for plan making from 12 March 2025 unless certain exceptions apply. Of relevance to Horsham District is Limb b. This exception applies where a plan has been submitted for examination under regulation 22 on or before the 12 March 2025. Paragraph 235 then clarifies that the plan will then be examined under the relevant previous version of the Framework.
6. As Horsham District Council submitted its plan for examination in July 2024, the Local Plan will therefore continue to be examined under the September 2023 NPPF.

7. Paragraph 236 of the NPPF states that where paragraph 234b applies ‘*if the housing requirement in the plan to be adopted meets less than 80% of local housing need (based on the new standard housing methodology figures) the local planning authority will be expected to begin work on a new plan, under the revised plan-making system provided for under the Levelling Up and Regeneration Act 2023 (as soon as the relevant provisions are brought into force in 2025), in order to address the shortfall in housing need*’. This paragraph is, therefore, of direct application to plan making in Horsham District.

### Short term timescales and implications

8. The Council’s view remains that housing can best be delivered at pace through the swift adoption of the version of the Plan currently at examination, subject to modifications considered necessary to the Inspector for soundness purposes. This would provide the certainty to all stakeholders with regards to the 31 non-strategic sites and 3 strategic sites identified in the plan, (one of which is Homes England’s flagship scheme for 3,000 homes west of Crawley), and also provide a stable policy framework for decision taking purposes, enabling planning applications to come forward and be determined with minimal delay, contributing effectively to the Government’s aim to boost housing delivery, particularly when compared against existing levels of growth in the District. This view is supported by the Government’s prospectus on planning reforms<sup>1</sup>, which states in Chapter 12 (paragraphs 2 and 3):

*“2. Local planning authorities should continue to progress their plans to adoption under the existing system without delay. Authorities without an up-to-date plan should not stop work on a plan with the intention of preparing a plan under the new system. Authorities that have an up-to-date plan in place will be in the best possible position to steer growth in their area to areas supported by their communities and lay the foundations for a plan-led system.*

*“3. We recognise the barriers to progress plan-makers have faced in recent years. To ensure that we achieve complete coverage of up-to-date plans as soon as possible we re-affirm our commitment to supporting local planning authorities in responding to these proposed policy changes and getting plans in place. This might include targeted support for those required to rework plans at pace, or more tailored support to meet the individual circumstances of different places.”*

9. The Council’s position is that there is no reason why the examination should not consider whether it is possible and expedient to deliver additional housing to meet its need, provided that evidence is available to demonstrate water neutrality, and that delivery can be achieved over the plan period. Nor does the Council believe that the examination is prevented from doing so as an expedient solution is the public interest, whatever the outcome of that process relative to the base position in terms of housing allocations.
10. The local plan examination is extant, and we are strongly of the view that it remains open to the Inspector to continue the examination hearings in the early part of 2025 in order to consider the options available to the Council to overcome any concerns the Inspector may have with respect to the soundness of the plan via the examination process and subsequent modifications procedures. We would urge the Inspector to use further sittings to examine the other elements of the plan whilst necessary work is undertaken to engage the consideration of the inclusion of further housing sites through the SA process (whatever its outcomes) to minimise delay. In this regard we are of the view that the Minister’s exhortation that delays should not exceed 6 months is not a mandatory requirement. The Inspector should consider and balance the need for expedition against the public interest of securing the adoption of a plan that can be made sound. The Council is of the view that the

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<sup>1</sup> Proposed reforms to the National Planning Policy Framework and other changes to the planning system – Consultation Outcome, Updated 12 December 2024. <https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system#chapter-12--the-future-of-planning-policy-and-plan-making>

further examination of additional sites would not cause a delay which would be undue or unreasonable provided that the examination is programmed effectively to deal with this contingency having regard to the objectives to be secured.

11. In this context, the Council already has an extensive evidence base, including a detailed assessment of potential development sites (**evidence base document H11**) including a number of strategic sites promoted to the Council through the plan process to date and which have already been assessed as part of the foregoing Sustainability Appraisal process. This can be brought forward, updated and reassessed (including such evidence as is available post Submission) as part of a further Sustainability Appraisal in order to determine whether it is feasible and sound to include further strategic allocations. In addition, the Council has constructive and ongoing relationships with infrastructure providers and technical experts which would enable this work to continue at pace. As completion of the Local Plan is also a corporate priority, the Strategic Planning team is also well resourced to enable the continuation of this work.
12. Notwithstanding the above, it is noted that the initial programme of hearings were programmed to have concluded near the end of January 2025. It is anticipated that this would have been followed by a period in which the inspector would draw together his initial conclusions and next steps which would have then been made available to the Council to progress. In that context, any decision to delay the plan by up to six months would, in the Council's view commence from that point rather than it having an immediate effect. A provisional timetable has been prepared which demonstrates that additional work can be completed within a six month period and is set out in Table 1 below. Notwithstanding the suggested point at which a six month delay would commence, it is considered that the work can be started earlier, subject to the content and receipt of feedback from the Inspector.

*Table 1: Timescale for updates to the Local Plan as may be required*

Action	Time required	Notes
Hearings (if continued) and receipt of initial report	3 weeks for completion of hearings plus the necessary time required by the Inspector to draft initial conclusions / feedback.	This is part of the normal examination timescale and would not in the Council's view form part of any six month delay.
<ul style="list-style-type: none"> <li>• Reappraisal of smaller scale and strategic Site options taking account of water neutrality solutions as appropriate,</li> <li>• consideration of any additional infrastructure requirements</li> <li>• consideration of any transport implications</li> <li>• consideration of delivery implications (including existing and current allocations as well as any additional sites) and updated trajectory</li> </ul>	3 – 4 months	The Council has constructive and ongoing relationships with infrastructure providers and technical experts which would enable this work to continue at pace. As completion of the Local Plan is also a corporate priority, the Strategic Planning team is also well resourced to enable the continuation of this work. For the avoidance of doubt this work can and would take place concurrently.
SA update	Ongoing process, but 3-4 months for main content of work	
Targeted consultation	Ongoing 3-4 months	Whilst all sites in document H11 have already been subject to public consultation, it is considered additional discussion with communities and other stakeholders (and in particular impacted communities) with regard to any additional sites would be required. This could be undertaken concurrently with consideration of sites and the SA update.
Council agreement of any potential changes / updates to the plan to be submitted for the Inspector's consideration.	1 month	The Council is able to call an extraordinary meeting and does not have to wait for the next committee cycle. It is also able to ensure that Members are kept informed of progress

Action	Time required	Notes
		throughout the evidence update stages through all Member briefings.

13. Subject to the outcome of this work any changes to the plan (including additional sites) would be the subject of main modifications and further sustainability appraisal as required. Main modifications are a standard part of plan preparation and would therefore not fall within the sixth month delay timeframe. It should be noted that other local plan inspectors have taken a similar approach, particularly in circumstances where an early review is both justified and necessary, as a means of securing plan led (and orderly) growth in the interim.
14. As set out in the Council's **MIQ response M1.01a**, the Council has already stated that is seeking to update the Local Development scheme at meetings programmed for March and April 2025. The Council is aware of the content of the Chief Planner's letter published on 13<sup>th</sup> December 2024 which requires that LPAs produce an updated Local Development Scheme by 6<sup>th</sup> March 2025 at the latest. At the time of writing, the Council is in the process of determining the exact date and location for a meeting (the Council is in the process of moving offices). It can confirm that a meeting will take place during February 2025 to ensure that the LDS is in place by the government's deadline. Subject to any feedback from the Inspector, it is proposing it could be based on the timetable proposed set out in Table 1 above.

#### Circumstances for a Local Plan review and potential timescales for review

15. It is recognised that to further boost housing delivery in the medium term once the Arun Valley Sites HRA issue has been resolved, the Council recognises that an early Plan review is undertaken to consider longer term housing implications, and to meet the transitional requirements of the NPPF. The Council acknowledges that this would need to be undertaken as swiftly as possible and practicable. However, the Council is also conscious that the details of process for undertaking a plan review following reforms to the planning system are yet to be finalised, which does pose some uncertainty as do the Government proposals for devolution which are discussed later in this document.
16. The trigger for commencing the Plan review would be either the successful adoption of this draft Plan, or the publication of the complete, final regulations necessary for undertaking plan-making (whichever is the earlier). The latest statement from Government on the timing of the new regulations is in Chapter 12 of their prospectus on planning reforms (paragraph 11)<sup>1</sup>:

"It is currently our intention to implement the new plan-making system as set out in the Levelling- up and Regeneration Act from summer or autumn 2025. We anticipate that all current system plans that are not subject to the transitional arrangements set out above will need to be submitted for examination under the existing 2004 Act system no later than December 2026. This, coupled with the transitional arrangements, represents a significant extension to the previous proposals, with the potential to benefit plans that are at earlier stages of preparation, and providing more time for local planning authorities to reflect on the revised NPPF and progress positive plans that will stand up to scrutiny at examination. Further details of the Government's intentions around plan-making reform will be published in due course."

17. On that basis, this note sets out the Council’s proposed timeline for an early Plan review based on the latest available Government proposals on how the new system will work in table two below.<sup>2</sup> It assumes that the review will commence in late 2025. This would be consistent with the timescales for any additional work required for the current local plan, as set out in table 1.

Table 2: Timescale for Horsham District Local Plan Review

Stage of plan making	Time required	Date of commencement / submission
Council to give notice of start of plan-making	n/a	Autumn 2025
Scoping and early participation	4 months	Autumn / Winter 2025
<b>Gateway 1: Project Initiation Document review</b>	<b>n/a</b>	<b>Early 2026</b>
Plan vision and strategy development (preparation)	3 months	Spring 2026
Mandatory public consultation on plan vision and strategy	8 weeks	Spring / Summer 2026
Analysis of consultation responses on vision and strategy & Production of soundness evidence and continuous engagement with Members	8 months	Summer 2026
<b>Gateway 2: Progress and compliance with certain matters</b>	<b>n/a</b>	<b>Spring 2027</b>
Further evidence gathering and engagement following Gateway 2 assessment	3 months	Spring 2027
Mandatory public consultation on final draft plan	6 weeks	Summer 2027
<b>Gateway 3: Stop/Go assessment (mandatory)</b>	<b>4 weeks</b>	<b>Autumn 2027</b>
Submission and Examination	6 months	<b>Autumn 2027</b>

<sup>2</sup> Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms – Closed Consultation, published 25 July 2023. <https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation/levelling-up-and-regeneration-bill-consultation-on-implementation-of-plan-making-reforms>

Stage of plan making	Time required	Date of commencement / submission
Reporting to Council following Inspector's letter	2 months	Spring 2028
<b>Adoption</b>	<b>n/a</b>	<b>Summer 2028</b>
<i>Total duration from Gateway 1 to Adoption</i>	<i>29 months</i>	

*Note that Gateways are independent assessments expected to last 4-6 weeks, and to run parallel with other stages of preparation*

## Devolution

18. The timetable above does not take account of the government's proposals for devolution in England. A Devolution White Paper setting out the government's proposals was published on 16<sup>th</sup> December 2024. Whilst it is recognised that proposals and discussions within West Sussex are at an early stage, HDC is a two-tier authority and it is clear it will be impacted by these proposals.
19. Since the publication of the White Paper, East Sussex, West Sussex, Brighton & Hove held extraordinary Cabinet meetings on Thursday 9<sup>th</sup> January 2025 and have agreed to submit a bid to the Government's priority program to form a mayoral combined authority for the whole of Sussex<sup>3</sup>. Although timescales for the vesting of any new strategic authority is not known, it is anticipated this could not take place before 2027 at the earliest.
20. For strategic planning matters, it is the mayoral combined authority that would set the direction for the level and location for strategic levels of growth across Sussex as a whole. Whilst it may be possible to hold conversations informally and potentially undertake evidence base studies, there is however a period of at least two years before formal strategic plan making could commence. There would then be a further period of time before any strategic scale plan for growth could be formally adopted.
21. In addition to the establishment of a mayoral combined authority, pages 100 to 102 of the White Paper set out proposals for the formation of new unitary authorities with a population of at least 500,000. The clear direction of travel is therefore that Horsham District, together with other Districts and Boroughs across Sussex, will form part of a new unitary authority. Should that occur, Horsham District Council would not exist. It is therefore clear that Horsham District Council, together with the other Districts and Boroughs in the area will ultimately be reorganised and form part of a larger unitary authority. Whilst timescales for the formation of, and the precise geographical coverage of any unitary authority is unclear, it is anticipated that new unitary authorities may be vested on 1 April 2028.
22. For strategic planning matters, any new unitary authority incorporating land within Horsham District would be required to prepare a delivery focussed local plan taking account of any combined mayoral authority plan. This could therefore lead to some additional delay in having an up to date plan in place. More pertinently, any local plan that is commenced by Horsham District Council as set out in table 2 above would not be able to complete before the Council ceases to operate. It is also unclear as to whether a new unitary authority have the jurisdiction to adopt a plan for an authority area that no longer exists. This would further increase the risk of a significant policy vacuum for the area.

<sup>3</sup> <https://www.westsussex.gov.uk/news/sussex-councils-agree-to-submit-expression-of-interest-on-devolution/>



## Conclusion

23. The Local Plan was submitted for examination shortly after a change in government, which over the course of the examination has introduced significant changes to planning policy and for the reorganisation of local government more generally. Whilst this will inevitably result in a period of change and a number of wider challenges this does not change the Council's position that it is in a position to continue and complete a local plan with no more than a six-month delay.
24. The estimated timescale for reviewing the Plan under the anticipated new regulations would see a formal review begin with the submission of a Project Initiation Document (Gateway 1) in early 2026, and then would complete within 30 months with adoption in Summer 2028. In other words, it is difficult to foresee the review concluding any sooner than 3.5 years from now.
25. Such a timescale is however likely to be caught by the government's devolution proposals. This appears to be an unintended consequence between the government's aims for plan making set out in the revised NPPF when compared with proposals and timescales for devolution, which the government will need to clarify in short order. Nevertheless, the ability of Horsham District Council to continue plan making beyond the completion of the existing local plan, and its ability to provide a realistic update to the LDS that would enable the completion of local plan review under the new regulations does not appear as it currently stands to be practicable.
26. It is therefore considered imperative that a local plan is finalised to give certainty to the development industry, infrastructure and service providers and local residents. Whilst the Council is of the view that a revised plan can be considered with no more than a six month delay, there would in this instance be a clear case in the public interest of having a plan in place (whatever the outcome of the further SA process) for a reasonable and pragmatic approach to the consideration of further sites even if the process should eventually extend the examination process beyond 6 months.
27. Such an approach is entirely reasonable, in the Council's view, and would avoid a significant and lengthy policy vacuum which could limit growth and delivery given the need to consider delivery of supporting infrastructure at a strategic scale which is entirely counter to the public interest and Government's ambition to achieve plan led growth. Moreover, dealing with the complexities of speculative development in the absence of a plan would have severe resource implications which would impact on all areas of growth. Whilst the Council recognises the primacy of the delivery of housing as part of the plan process, we would respectfully restate our previously expressed point that the plan is important for the delivery of all forms of development, and the achievement of its economic, social and environmental objectives which would otherwise be materially compromised.