

Report to Cabinet

6th August 2025

By the Cabinet Member for Planning and Development

DECISION REQUIRED

Not Exempt



Horsham District Local Plan Examination Next Steps including the Shaping Development in Horsham District Planning Advice Note

Executive Summary:

This report sets out the outcome of the Council's detailed considerations since receiving the Inspector's Interim Findings Letter on 7 April 2025. The Council strongly disagrees with the Local Plan Inspector's reasoning and conclusions. The Council has explored all options including the potential for a judicial review. The Council recognises the need to make difficult decisions in the best interests of the District as a whole. The report explains why the Council has concluded that it should withdraw the Local Plan from examination. It also recommends next steps to ensure the Council continues to serve the best interests of the District's residents in the short, medium, and long term.

Recommendations:

That the Cabinet is recommended:

- i) To agree that the Council write to the Planning Inspectorate and formally withdraw the Horsham District Local Plan 2023-40 from examination in accordance with Section 22(1) of the Planning and Compulsory Purchase Act 2004 and Regulation 27 of the Town and Country Planning (Local Planning) (England) Regulations 2012 together with the publication of a formal withdrawal statement.
- ii) To formally endorse the updated Shaping Development in Horsham District Planning Advice Note and agree to its publication to replace the Facilitating Appropriate Development document, and endorse its use as a non-statutory planning guidance document.
- iii) To grant the Director of Place in consultation with the Cabinet Member for Planning and Infrastructure delegated authority to agree any necessary minor editorial changes to the Shaping Development in Horsham District Planning Advice Note before publication.
- iv) To note that the Head of Strategic Planning will continue to follow up the Council's concerns over the conduct, resourcing and communication around the Examination of Local Plans with the Planning Inspectorate and the Ministry of Housing Communities and Local Government, to ensure that this and other local authorities can prepare effective and timely local plans in the future.

- v) To agree that the Council commences preparation of a revised local plan to replace the Horsham District Planning Framework in accordance with its published Local Development Scheme, subject to publication of revised local plan regulations.

Reasons for Recommendations:

- i) To ensure that the needs of the district are best served in terms of use of public resources and to seek to secure the best outcomes for the District from development proposals in both the short and longer term.
- ii) To provide clear and consistent planning guidance to aid applicants, stakeholders and decision makers for determining planning applications in the short to medium term.
- iii) To ensure the Horsham District Local Plan 2023-2040 is withdrawn in accordance with the relevant regulations and to maximise the Council's influence over how development and associated infrastructure come forward by facilitating the development of a new, forward-looking plan in the best interests of residents.
- iv) To ensure a Shaping Development in Horsham District Planning Advice Note is in place which will guide development in a way that demonstrates that the Council is proactive in supporting sustainable development that as far as possible complies with the adopted Horsham District Development Framework and up-to-date national planning policies, delivers the development to meet identified needs and ensures that other objectives are met.

Background Papers:

Inspector's Interim Findings Letter dated 04 April 2025

HDC Initial Response to Inspectors Initial Findings Letter dated 22 April 2025

HDC Local Development Scheme 2025

Report to Cabinet dated 11 December 2023 (item EX/62) Horsham District Local Plan 2023-40: Regulation 19 Consultation

Wards Affected: All

Contact: Catherine Howe, Head of Strategic Planning

1. Proposal:

Background

- 1.1 In July 2024, Horsham District Council submitted its emerging Horsham District Local Plan 2023-40 to the Planning Inspectorate for independent examination. After three days of hearings, held in the week of 10th December 2024, further hearings were cancelled by the Local Plan Inspector (the Inspector), with reference to his concerns over the legal compliance and soundness of the Plan.
- 1.2 On 7 April 2025, the Council received the Inspector's Interim Findings Letter. In this letter, the Inspector outlined his concerns in relation to the Horsham District Local Plan. These can be summarised as follows:
 - i. The (legal) Duty to Cooperate was not considered to be met. The Inspector reasoned that alternative sites and solutions to deliver water neutrality were not sufficiently discussed with Duty to Cooperate partners between January and July 2024.
 - ii. The Inspector was unclear whether SNOWS (the cross-authority water offsetting scheme) would be any more reliable in enabling development than a private water neutrality scheme.
 - iii. The Inspector also outlined that he had significant soundness concerns on other matters. The Interim Findings Letter does not, however, go into detail on these matters.
- 1.3 Based on these concerns, the Inspector recommended that the Council should withdraw the Horsham District Local Plan from Examination and "rapidly" prepare a new local plan. The alternative outlined by the Inspector was not to withdraw and to receive his full and final report. This would also conclude that the Council has not met the legal Duty to Co-operate (and so was not legally compliant), and would also cover soundness matters referred to in the Interim Findings Letter. The Council would be liable for additional costs to the Planning Inspectorate in the preparation of such a report.
- 1.4 The Council was both surprised and disappointed that the Inspector had reached such a conclusion. It does not agree with his reasoning and considers that it fully met the Duty to Cooperate because it engaged thoroughly, actively and continuously with other local authorities and numerous other bodies on a regular basis, and had explored all potential solutions to deliver water neutrality with all relevant partners through the water neutrality working groups and the joint appointment of a Water Neutrality Project Manager. The Council had submitted evidence that housing delivery was temporarily but severely suppressed due to water neutrality, and that it was taking positive steps to unblock housing delivery. The Council had accepted during hearings that an early plan review would be necessary to reflect a 'post-water neutrality era', but that housing delivery would inevitably take some years to recover, therefore the Horsham District Local Plan before the Inspector was the right plan at the right time given the complex and challenging circumstances.

- 1.5 As such, the proposals contained within this report seek to (i) formally withdraw the Horsham District Local Plan and facilitate the development of a new, forward-looking plan in the best interests of the District's residents, and, (ii) approve the Shaping Development in Horsham District Planning Advice Note in order to guide development in a way that demonstrates that the Council is proactive in supporting sustainable development that as far as possible complies with the adopted Horsham District Development Framework and up-to-date national planning policy, delivers the development to meet identified needs and ensures that other objectives are met.

Next steps

- 1.6 It is clear that the Inspector's Interim Findings Letter has far reaching consequences for the District in terms of how the Council should plan for the future and how it should best respond to development proposals in the short to medium term. This is further complicated by legislative uncertainties and devolution proposals. It has, therefore, been necessary to consider all possible options and next steps in detail. Ultimately, the Council has been placed in a position where all available options place the Council at some risk of speculative applications in the short to medium term. Cabinet is therefore asked to make a decision which provides clarity and certainty, and longer-term direction that is in the benefit of all residents. Ultimately, it has been concluded that the best interests for the District will be met by undertaking the actions set out below.

Withdrawal of the Horsham District Local Plan 2023-40

- 1.7 Having carefully considered the courses of action available, it is considered that formal withdrawal of the Horsham District Local Plan offers the most pragmatic and constructive way forward in the circumstances in order to best achieve sustainable and appropriate patterns of development in the short, medium and long-term. This is because it allows the Council to focus on achieving the best outcomes from applications being received and will allow the timely preparation of a new local plan, as outlined below.
- 1.8 The current Local Development Scheme was approved by Cabinet on 26 February 2025 and is included as a background paper to this report. Within the Local Development Scheme, Table 3 sets out timescales for the Council to carry out a local plan review, to be undertaken under the new planning system. Dependent on publication of new planning regulations (expected Autumn 2025), such a review could feasibly allow submission of a new local plan in late 2027. The new local plan would have the benefit of an up-to-date evidence base and provide opportunity for renewed and carefully planned public engagement.
- 1.9 Procedurally, the process of withdrawing a local plan is straightforward. The Council has a statutory power to do so under Section 22(1) of the Planning and Compulsory Purchase Act 2004 as supplemented by Regulation 27 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The latter statute requires that examination participants and statutory consultees are notified, and that a 'withdrawal statement' is published: this has been drafted and is attached as Appendix 1.

- 1.10 The alternative courses of action that were considered are set out in the section ‘Other Courses of Action Considered but Rejected’ below. This sets out that the alternatives would cost the Council significant amounts of money and human resource and would greatly delay the resumption of proactive planning and place-shaping (i.e. would delay the regaining of local control over where development goes). Withdrawal, on the other hand, will expedite the work of the Strategic Planning Team in building on a strong existing evidence base to produce a new and fit-for-purpose local plan.

Updating and renaming the Council’s Facilitating Appropriate Development document

- 1.11 A Facilitating Appropriate Development document was considered by Cabinet on 29 September 2022 before being endorsed by full Council on 19 October 2022. This document was written to provide advice on the determination of planning applications in the context of the Council being unable to demonstrate a five-year housing land supply (and thus subject to the ‘presumption in favour of sustainable development’ also known as the ‘tilted balance’), whilst also providing guidance on the weight to be afforded to policies in the emerging Horsham District Local Plan.
- 1.12 Given the background explained elsewhere in this report in relation to the Horsham District Local Plan, alongside changes to national planning policy that are designed to promote growth, it is necessary to update the Facilitating Appropriate Development document to ensure that its advice is accurate and relevant to the current context. It is also proposed to rename it to the Shaping Development in Horsham District Planning Advice Note.
- 1.13 The updated Shaping Development Planning Advice Note is intended to be a positive, non-statutory planning guidance document to assist those determining applications, and to provide clarity to applicants and other stakeholders as to what the Council considers to be appropriate development. It is written on the assumption that the Horsham District Local Plan will be withdrawn and is appended to this report as Appendix 2.
- 1.14 The document signposts up-to-date information on water neutrality, discusses the five-year housing land supply position and the ‘tilted balance’, and highlights the weight to be afforded to policies in Neighbourhood Plans (both adopted and emerging). Further, it identifies policies that officers continue to assert are consistent with national policy and can be used to guide development proposals. It also signposts to evidence base documents, government policy and guidance, legislation, etc. which should be considered by applicants when developing proposals and in the determination of planning applications.
- 1.15 As with the original Facilitating Appropriate Development document, the Shaping Development in Horsham District Planning Advice Note provides advice in relation to different planning matters: locational suitability; scale; deliverability; local housing needs; biodiversity; climate change; transport; design; and heritage – matters which need to be considered when determining planning applications. As well as updating advice on such matters, the document has been widened to include advice relating to non-housing applications and now also includes advice relating to employment, retail, infrastructure and gypsies and travellers. Further, it identifies sites that were proposed to be allocated in the Horsham District Local Plan and encourages

applicants to have regard to site-specific matters identified in the evidence base, including the quantum of development likely to be considered appropriate on each site.

Providing feedback and challenge on examination process and guidance with the Planning Inspectorate and Ministry of Housing Communities and Local Government

- 1.16 The Director of Place has, on behalf of the Council, already submitted in writing to the Inspector and the Planning Inspectorate the Council's concerns relating to the examination process. The Council's response to the Inspector's Interim Findings Letter is referenced as a background paper to this report. There is opportunity for the Council to restate its concerns to the Inspectorate more formally to ensure that there is an improved and consistent approach to plan making going forwards. This may take the form of a formal complaint.
- 1.17 In particular, there is concern that both the Horsham District Local Plan and the Mid Sussex Local Plan draft Inspectors' Interim Findings Letters were, without explanation, held by the Ministry of Housing, Communities and Local Government (MHCLG) for around 6 weeks. There is a need to ensure that this is not repeated.
- 1.18 The Strategic Planning Team has submitted an Environmental Information Request (EIR) to the Planning Inspectorate relating to internal correspondence at the Inspectorate, and correspondence with MHCLG and the Minister of State. The response, when received, may provide further clarification on these points.

Commence preparation of a Local Plan

- 1.19 As set out in later sections of this report, the Council is facing a period of considerable uncertainty in terms of development proposals, and associated uncertainty around what this means for infrastructure delivery. It is therefore considered that there is a need to recommence preparation of a local plan, which provides certainty for all, as we progress with devolution.
- 1.20 As set out in paragraph 1.8 of this report, the Local Development Scheme already sets out a timeline for the preparation of a new local plan for the District. The Local Development Scheme explains that this would have been necessary even if the Horsham District Local Plan had been adopted, given the Government's direction to commence an immediate review if the plan under preparation is to provide less than 80% of the local housing need (as calculated using the national Standard Housing Method).
- 1.21 Whilst a local plan review will be challenging in the face of uplifted national housing targets, it nevertheless offers the best opportunity for the Council to maximise its control of land use within the District in the medium to long term. It would have the benefit of an up-to-date evidence base and provide opportunity for renewed and carefully planned public engagement. The Council would also, in time, be able to start to attribute weight to an emerging new local plan when making planning decisions. Whilst Devolution and Local Government Reorganisation pose some risk to a new local plan's adoption and implementation, reassurance can be taken from the Government's confirmation that emerging local plans for lower-tier authorities

can be ultimately adopted by new unitary authorities should local government reorganisation go ahead later in the decade.

- 1.22 In terms of process, the Government is due to publish regulations in Autumn 2025 which will govern local plan production under the 'new' planning system introduced by the Levelling Up and Regeneration Act 2023 (LURA). In the interim, reference is to be made to the 'Consultation Outcome' paper in response to the 'Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms'. This sets out a mandatory 30-month timetable for local plan production, which involves at least two periods of consultation, including early participation.
- 1.23 The Government will also be publishing 'National Development Management Policies' which will reduce the remit of a local plan to mainly strategic issues and site/land allocations and designations.
- 1.24 Whilst there is some uncertainty as to the regulatory framework for producing a new local plan, there is equally a strong expectation from Government that local planning authorities prepare new plans without delay. Overall, the Council can be confident that the national plan-making reforms will progress. This provides an opportunity to progress a new local plan for Horsham District, which will involve renewed public engagement, and give greater certainty for the District in the medium to long term. This better serves the public interest than other options available.

2. Council Policy Alignment:

- 2.1 The current adopted local plan is the Horsham District Planning Framework. The Horsham District Planning Framework was adopted and became part of the development plan in November 2015. A review of the adopted Horsham District Planning Framework commenced in 2018. This led to the production of the Horsham District Local Plan Regulation 19 document, which was agreed for publication and submission at the Council meeting of 11 December 2023. This is the Horsham District Local Plan which was submitted to the Planning Inspectorate for examination in July 2024, together with associated evidence and third party representations.
- 2.2 If it is agreed that the Horsham District Local Plan should be withdrawn from examination, the basis for decision making in the District will remain the Horsham District Planning Framework, together with national planning policy, and any relevant Neighbourhood Plans. Should it be endorsed as recommended, the Shaping Development in Horsham District Planning Advice Note will provide further advice on how the Council will consider development proposals given the changed context.
- 2.3 With regard to the Shaping Development in Horsham District Planning Advice Note, this must necessarily fall in line with the Horsham District Planning Framework and will therefore automatically align with the Council's policies.

3. Next Steps:

- 3.1 If the recommendations are agreed, the next steps are to:
- a. formally write to the Planning Inspectorate and withdraw the Horsham District Local Plan from examination,
 - b. advise examination participants, others who have been involved, and communities of the Horsham District Local Plan's withdrawal, update the Council's website to state that it has been withdrawn and ensure that any document relating to the withdrawn Horsham District Local Plan cease to be made available, save for the statement of withdrawal,
 - c. publish the Shaping Development in Horsham District Planning Advice Note on the Council's website, after making any minor editorial changes as agreed with the Director of Place in consultation with the Cabinet Member for Planning and Infrastructure,
 - d. pursue updated process improvements with the Planning Inspectorate and consider whether a formal complaint should be made,
 - e. commence a local plan review in accordance with the agreed Local Development Scheme.

4. Consultation and Engagement:

- 4.1 The Cabinet Member for Planning and Infrastructure confirms that alternative options to withdrawal have been carefully considered under advice from senior officers. The implications of the alternatives to withdrawal are set out in section 5 below.
- 4.2 Ahead of this Cabinet meeting, an All Member Briefing took place on 15 July 2025. This provided Members with key information and messaging premised on withdrawal. Feedback from Members was taken account of by the relevant committees as detailed below.
- 4.3 Policy and Scrutiny Committee (Communities and Place) provided due scrutiny and comment when it met on 23 July 2025. Their feedback and any suggested changes were considered by senior officers in liaison with the Cabinet Member for Planning and Infrastructure, and any necessary changes to recommendations and advice to Cabinet will be made before publication of the final report to Cabinet.
- 4.4 Questions relating to the prospect of withdrawal of the Horsham District Local Plan were also raised by representatives of Parish and Neighbourhood Councils at a neighbourhood plan workshop held on 19 June 2025, and the matter also aired at the Horsham Association of Local Councils. These meetings highlighted the concerns with the Examination process undertaken by the Inspector and whether it may be appropriate to challenge the decision formally. The implications of this option are set out in section 5 below.

5. Other Courses of Action Considered but Rejected for the Local Plan

- 5.1 The options before the Council were to either withdraw the Plan, or to consider undertaking a judicial review of the Inspector's report. It is important to note that this latter approach would first require that the Inspector writes his full report to the Council. The Interim Findings Letter does not constitute the Inspector's final report and any challenge of it could be considered premature.

Timescales of challenges

- 5.2 Should the Council request the Inspector's final report, he is likely to take some weeks, or even months, to produce this. Given that the Inspector took an unusual approach of scheduling all hearings, he would be able to comment on all matters on which he raised questions under Matters, Issues and Questions. Whilst it is difficult to know how long this would take, it should be highlighted that it took nearly four months for the Interim Findings Letter to be issued from the point at which the examination hearings were paused.
- 5.3 Following receipt of the Inspector's final report (which could be as late as the Autumn/early Winter), the Council could consider a judicial review. From first submission to the courts, this can be expected to take a year or more. Taking account of the time taken for the Inspector to write his final report and officers' understanding of the time taken to consider and pursue a judicial review, the examination might resume in late 2026 at the earliest, with the strong possibility that various evidence studies will need to be refreshed at this point.

Consideration of outcome

- 5.4 There is a very high bar for challenges to local plan decisions being successful. In short, the Courts rarely intervene in decisions that can be defended within the realms of reasonable planning judgement. Whilst the Council strongly disagrees with the conclusions of the Inspector, there is little chance of a successful legal challenge.
- 5.5 The best possible outcome from a judicial review (but not the most likely) would be a quashing of the Inspector's decision to fail the Horsham District Local Plan on the Duty to Cooperate. Officers' firm view is that an examination which resumed in late 2026 – more than two years after the Horsham District Local Plan was submitted – would be reliant on increasingly dated evidence in the context of a rapidly evolving planning system. It is also highly likely that more housing sites would need to be found as part of the ongoing examination to meet Government aspirations and targets, especially if the requirement for water neutrality had by that time been revoked. Given these complexities, it is considered likely the Horsham District Local Plan would be found unsound following a resumed examination and that any examination would not conclude until sometime in 2027.
- 5.6 Throughout this period, the Council would remain weakened in its ability to resist speculative developments as the presumption in favour of sustainable development

(or 'tilted balance') would still apply until at least 2027. Alternatively, should withdrawal be confirmed and a new local plan progressed, the Council would be able to start to attribute weight to a new emerging plan by this time. Hence the public interest would be better served by the 'Horsham District Local Plan withdrawal + new local plan' option and less well served by pursuing a legal challenge to the Inspector's final report.

- 5.7 As such, the option to pursue a judicial review, in lieu of progressing a new local plan in a timely manner, was discounted on the basis that (i) the time spent pursuing a judicial review would reduce the Council's capacity to provide the best possible planning outcomes during the period before a new plan comes into force, (ii) there is significant risk that a judicial review would not succeed, and (iii) a new plan could be well progressed (to which weight can be attributed) allowing the Council to regain some control of land use within the District in the medium to long term, benefit from an up-to-date evidence base and support renewed and carefully planned public engagement much sooner than could happen if a judicial review were pursued.

Other Courses of Action Considered but Rejected for the Shaping Development in Horsham District Planning Advice Note

- 5.8 The Council could consider not introducing the Shaping Development in Horsham District Planning Advice Note and relying on the existing Facilitating Appropriate Development document from 2022. It has been a useful tool and has been used in the determination of applications and relied upon at appeals. However, this is not recommended as the existing Facilitating Appropriate Development document is becoming increasingly of date and, therefore, its usefulness is reducing. This is because it relates to a different national policy context and affords weight to the Horsham District Local Plan, which would be inaccurate should it be withdrawn from examination (as recommended).

6. Resource Consequences:

Financial

- 6.1 There are no direct financial implications arising from the act of withdrawing the Horsham District Local Plan or the preparation of the Shaping Development in Horsham District Planning Advice Note. These would be undertaken by the Strategic Planning team as part of its day to day duties and would impact on staff time only. A local plan review would be programmed through the budget setting process and is subject to monthly monitoring. Early stages of project planning can be met through officer time. If and when additional budget for resourcing is needed, it would be requested through Council.
- 6.2 Compared to this, there would be a significant financial and staff burden in undertaking a formal judicial review. This would include the fee charged by the Planning Inspectorate for the Inspector writing his final report, various court fees and substantial legal fees. If the Council lost its case, the Council would ordinarily also be liable for legal costs incurred by the defendant. There are likely to be further indirect costs to the Council, in particular the reallocation of time within the

Legal and Strategic Planning teams with consequent impacts on other Council activities and services.

- 6.3 It should also be noted that judicial review proceedings may result in a position where the Council has to progress two plans simultaneously. This will inevitably have impacts on resourcing, and would be in addition to resourcing required to deal with speculative applications and any associated appeals which are expected to have significant cost and resourcing implications for the Council. The cost for this option could therefore run into the hundreds of thousands of pounds.

Other resourcing issues

- 6.4 No additional resourcing issues have been identified in addition to those identified elsewhere in this report.

7. Legal Considerations:

- 7.1 The Council has statutory power to withdraw its local plan under Section 22(1) of the Planning and Compulsory Purchase Act 2004 and the process for which is stipulated in Regulation 27 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Regulations broadly require that examination participants and statutory consultees are notified, and that a 'withdrawal statement' is published: this has been drafted and is attached as Appendix 1.
- 7.2 The Cabinet has the authority to approve the withdrawal of the Horsham District Local Plan pursuant to paragraph 4 Regulation 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

8. Risk Analysis and Mitigation:

Horsham District Local Plan withdrawal and the alternatives

- 8.1 Both the withdrawal of the Horsham District Local Plan or any alternative action leave Horsham District Council in a difficult position in terms of the status of its development plan. It makes it more difficult to ensure that development coming forward is well located and of the highest quality.
- 8.2 The Council will be at heightened risk of speculative development for a period of 2-3 years, which will have an adverse impact on achieving the Council's objectives. The Council will no longer be able to attribute any weight to the Horsham District Local Plan's policies if the Horsham District Local Plan is withdrawn as it will cease to exist in formal terms. In its current draft form, little if any appreciable weight can be given to the Horsham District Local Plan and its policies given the concern with its legal compliancy and soundness. Unplanned speculative development, some of which is expected to be at a strategic scale, is expected to have an impact on the District's strategic and community infrastructure.
- 8.3 However, withdrawal of the Horsham District Local Plan will enable the Council to continue to use the Horsham District Planning Framework and made/referendum stage Neighbourhood Plans together with the National Planning Policy Framework to inform decision making. This approach removes the risk of the Council's planning

policy position being undermined by the Inspector's findings on soundness in his full report, or by the judicial review process.

- 8.4 Key actions to mitigate the risk of inappropriate speculative development will be to:
- a) have diligence in using appropriate national and Horsham District Planning Framework policies to uphold the Council's established spatial strategy, supported by the Shaping Development in Horsham District Planning Advice Note which will give clear lines on what the Council is seeking to achieve (see paragraphs 1.11 to 1.15 of this report),
 - b) ensure ongoing and close liaison with infrastructure providers, and to keep the Infrastructure Delivery Plan under review as more becomes known about the location and scale of development, and
 - c) commence preparation of a new local plan review, to provide direction towards certainty of level of growth in the District at the earliest opportunity.
- 8.5 There are significant costs anticipated for resourcing additional staff in the Planning Service to deal with an increase in planning applications taking advantage of the ongoing lack of a plan-led supply of development to meet need, and the application of the 'tilted balance'. This is in part being mitigated by a recruitment drive to employ additional experienced planners to work within the Development Service.
- 8.6 Legislation allows for the Secretary of State for Housing, Communities and Local Government to direct that a local plan should proceed to adoption (which in effect allows them to over-rule a local plan inspector and/or the local planning authority). In theory, the Secretary of State could therefore request that the local plan examination continue, and the plan not be withdrawn. However, this course of events is considered academic. As set out in paragraph 1.17 the Council's Interim Findings Letter was held by the Ministry of Housing, Communities and Local Government (MHCLG) for around 6 weeks, and there is no indication from Government that it will take any such action. Furthermore, the Minister of State wrote to the Planning Inspectorate in July 2024 instructing inspectors to fail by default local plans considered unsound or legally non-compliant (as referenced in the Inspector's Interim Findings Letter dated 04 April 2025).

Local Plan Review

- 8.7 A key risk in reviewing the local plan is the absence of both a regulatory framework and the promised National Development Management Policies. The new regulations are anticipated in Autumn 2025, and the national policies are promised soon. The mitigation to be employed is to undertake only early preparatory work on evidence to support the new Plan, which we can be confident will be needed and fit-for-purpose irrespective of the new regulations. For example, a new local plan will undoubtedly need to allocate sites, so a Strategic Housing and Employment Land Availability Assessment can be started immediately. Officers will monitor how Government policy and legislation evolve and will actively engage with MHCLG if necessary.

8.8 A further risk to highlight is that a new local plan will need to show how it will deliver the higher housing numbers derived from the Standard Housing Method (plus further uplifts required by the NPPF known as 'buffers'). The new local plan housing targets and delivery will have to be higher than previous plan targets in order for any new local plan to be found sound. There is no obvious mitigation for this, however, it must be considered against the alternative whereby the same number of houses come forward speculatively and without a local plan in place. In this scenario the Council will have little control. Having a local plan also means having a clearer understanding of how development will be phased (including a more stable housing trajectory), and better coordinated provision of supporting infrastructure with a much higher chance of this being delivered in a timely manner. Importantly, it will provide the best chance of more quickly achieving a reliable five-year housing land supply thus in time reducing the prevalence of uncontrolled speculative development.

8.9 Corporate risks are being updated and will be kept under review.

9. Procurement Implications:

9.1 There are no procurement implications arising from this report.

10. Equalities, Human Rights & Public Sector Equality Duty Considerations:

- 10.1 The Equality Act 2010 is concerned with discrimination in respect of specific "protected characteristics" being age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Public Sector Equality Duty requires Local Authorities to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. The preparation of the local plan was undertaken with regard to the requirements contained in the two aforementioned statutory provisions.
- 10.2 Withdrawal of the Horsham District Local Plan will therefore have implications for the Council's progress against the requirements highlighted in paragraph 10.1. For example, there will no longer be positive allocations of land to take account of the requirement to provide for the identified housing needs of Gypsies and Travellers within Horsham District, and updated policy criteria seeking to ensure that developments are designed to accommodate all sections of society including but not limited to the young, old and those with disabilities will be lost.
- 10.3 The alternative action of seeking judicial review of the Horsham District Local Plan would be no different to the option of withdrawal in terms of securing those benefits for those with protected characteristics due to the time likely to be necessary to work through this process, and the uncertain outcome. It is also highlighted that the adopted Horsham District Planning Framework was also prepared and adopted having regard to the same equalities legislation.

- 10.4 The publication of a Shaping Development in Horsham District Planning Advice Note does not introduce or revoke any policy or process. It is therefore considered to have a neutral impact on matters pertaining to equalities legislation.
- 10.5 The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It is considered that no adverse implications on human rights will arise as a result of the withdrawal of the Horsham District Local Plan or the publication of the Shaping Development in Horsham District Planning Advice Note.

11. Environmental Implications:

- 11.1 If adopted, the Horsham District Local Plan would have included policies which protected and enhanced air quality, delivery of green infrastructure and a minimum 12% biodiversity net gain. The policies also supported the District's aim to achieve net zero carbon by 2050 at the latest.
- 11.2 It follows there are negative impacts arising from withdrawal of the Horsham District Local Plan. However, for the same reasons as stated in 10.3 with regard to equalities, the alternative action would not achieve these benefits any sooner. It is also highlighted that the adopted Horsham District Planning Framework contains policies that seek to achieve similar benefits over time, and national policy and legislation (for example the requirement to achieve 10% biodiversity net gain on new developments, and net zero-leaning updates to building regulations) will also mitigate the impacts.

12. Other Considerations:

- 12.1 There are no additional considerations arising from this report.