



Stage 2 Hearings

Horsham District Local Plan Examination

Matter 6d – Strategic Policy HA(NP1): Land at Adversane (Kingswood) (MM227)

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Contents

1. Strategic Policy HA(NP1): Land at Adversane (Kingswood) (MM27) 2

Appendices

WBPA	Network Rail Shared Value Policy
WBPB	Extract of Adversane EIA Scoping Request (June 2026)

1. Strategic Policy HA(NP1): Land at Adversane (Kingswood) (MM27)

Introduction

1.1. This Statement has been prepared by Woolf Bond Planning Ltd on behalf of Thakeham Homes Limited ("Thakeham"), and addresses several of the topics listed in the Inspector's agenda for the Matter 6d Hearing Session as set out by the Inspector (**IDJB-07**).

1.2. The proposed allocation (MM227) of land at Adversane for a total of 3,200 homes, a neighbourhood centre, around 12,500sqm of employment floorspace, 2 x primary schools and a secondary school, with some 1,425 dwellings relied upon to be delivered within the plan period does not contribute to a sustainable pattern of development, is not justified taking into account the reasonable alternatives and is not effective as it has not been demonstrated to be deliverable over the plan period.

i. Transport and movement:

- the delivery and funding of the new road, railway bridge and roundabout
- the impact on the road system including the A29, Pulborough and the B2133
- sustainable transport and active travel measures and mitigation measures

Highway Improvements: Delivery and Funding

1.3. The Council has not provided the evidence to justify their assumptions relating to the delivery of the Site as it relates to the delivery of key highway improvements; namely (i) the delivery and funding arrangements for the railway bridge; and (ii) the necessary improvements to the A29.

1.4. The Adversane allocation is dependent upon the provision of a bridge over the railway (Strategic Policy HA(NP1) (6)(d)(ii). The Infrastructure Delivery Plan (**HDCJB19** at page 114) describes the provision of a new bridge as being of 'critical' importance to the strategy. The delivery timescale is given (at page 114 of the IDP **HDCJB19**) as 'Phase 1'. The provider/delivery lead is stated in the IDP (page 114) to be 'Developer/Network Rail'. The IDP includes the entry 'TBD' under indicative

cost.

- 1.5. The Housing Delivery Study Update (**HDCJB20**) paragraph 3.98 (on page 51) indicates that 300 homes can be delivered prior to "the bridge trigger".
- 1.6. The provision of the bridge over the railway provides a fundamental obstacle to delivery.
- 1.7. In order to come a reasoned conclusion that the plan strategy is deliverable the inspector would have to find that the bridge will be provided in time to allow 1,425 homes at Adversane during the plan period. On the evidence (for the reasons set out below) it is not possible to reach such a conclusion. As a result, it is inevitable that the Inspector must find that the plan is unsound unless an alternative strategic site is identified.
- 1.8. The reasons that it is not possible to come to the conclusion that the railway bridge will be delivered in accordance with the Council's assumptions and/or the promoter's timeline are summarised below.

Cost of the Railway Bridge

- 1.9. The cost of delivering the bridge is not known, and therefore the viability study has not been able to give proper consideration to that issue.
- 1.10. The Housing Delivery Study (**HDCJB20** paragraph 3.97) assumes a cost of £15m.
- 1.11. The Viability Study (**HDCJB16** paragraph 8.63 on page 139 pdf) assumes that the bridge will be delivered at an early stage. The viability study assumes an overview sum for infrastructure but does not refer to the cost of the railway bridge, or any shared value payment under Network Rail's Shared Value policy.
- 1.12. At paragraph 8.78 of **HDCJB16** it is said that the promoter will take on the role of master developer and that primary cashflow considerations are the A29 improvements, Network Rail crossing, and roundabout works; no detail is given as to the assumptions made.

- 1.13. Appendix 16 (Strategic Site Appraisals) is not provided in the examination documents. The figures are redacted/omitted. The approach, and the withholding of information, fails to accord with the advice given in paragraph 21 of the PPG on Viability in that the strategic site appraisal is not provided, and the assumptions made, including those relating to the cost of providing the bridge and the programme for its delivery are not set out.
- 1.14. The cost of the bridge alone (before shared value is taken into account) is likely to be more than double the £15m sum assumed in the viability work (£34.3m)¹.
- 1.15. There is no analysis which considers the funding implications if the railway bridge is to be provided early in the development process.

Shared Value Policy

- 1.16. Where a third party requires the use of, or rights over, Network Rail (NR) land, this may generate additional value in neighbouring land. NR may seek a share of that uplift as consideration for disposing of land, granting rights or permitting use of its land. This shared-value requirement forms part of the regulatory framework imposed on NR by the Office of Rail and Road (ORR). The compensation principle derives from *Stokes v Cambridge Corporation* [1961] with a 50:50 division of the uplift generally used as the starting point. Any adjustment depends on the availability of alternatives; at Adversane, however, delivery depends on securing a railway crossing.
- 1.17. As a Sussex-based developer with detailed knowledge of land values across the district, Thakeham estimates a minimum land value of approximately £25,000 per plot (conservative estimate), reflecting the site's known infrastructure requirements. This equates to £80 million, of which 50% would be payable to Network Rail.

¹ Appendix 2 to the Adversane Overbridge Report (Appendix WBP2 to the Thakeham representations on the proposed modifications)

Negotiations with Network Rail

- 1.18. Shared Value is a starting point for negotiations with Network Rail (Appendix **WBPA**), it is therefore bizarre there is no mention of this in the submissions. Given there is no clear evidence as to the state of negotiations with Network Rail, it would be questionable as to what discussions have actually taken place, potentially further calling the viability and deliverability of the allocation into question. At the very least the process described in the Adversane Overbridge Report (Appendix WBP2 to the Thakeham representations on the proposed modifications) section 2.3 will have to be followed.
- 1.19. On the assumption that Stage ES3 approval is granted on 13th November 2026 and the project commences on 16th November 2026 the earliest that the bridge could be completed is August 2031.
- 1.20. Any delay in commencement of the project will push that date back.
- 1.21. The project is likely to be advanced by a developer not a land promoter. No developer is likely to enter into an agreement to take the site forward until issues such as shared value are resolved
- 1.22. Similar considerations would apply to a promoter acting as master developer. Even if the promoter acts as master developer, it will have to come to agreements with housebuilders who would deliver the housing.
- 1.23. As section 2.3.1 of the Adversane Overbridge Report explains (Appendix **WBP2** of the Thakeham representations on the Main Mods consultation), rail agreements cannot be novated. Assignment is only allowed with the permission of Network Rail, which would follow a process of due diligence.
- 1.24. There is no provision for novation of the agreement. This allows Network Rail to effectively control the identity of the Customer. This is particularly relevant as Our Place are not the developer but the promoter of the scheme and hence cannot enter into any arrangement until such time as the developer is allocated.
- 1.25. It is for these numerous reasons that there is no prospect that project will start on 16th November

2026 as set out in the detailed programme drawn up by SLC².

- 1.26. Moreover, the delivery assumptions set out in the HDC viability report (**HDCJB16** paragraph 8.73 on page 140 pdf) and the Housing Delivery Study Update (**HDCJB20**, paragraphs 3.95 to 3.115) are unrealistic.

The A29 and Sustainable Transport

General

- 1.27. The highway infrastructure provides a significant obstacle to delivery.

The A29 – Church Hill, Pullborough

- 1.28. The Horsham Transport Study (**HDCJB15b** at paragraph 5.3.1) assumes that traffic lights on Church Hill in Pulborough (this imposes shuttle working following a landslip in December 2022) will be removed and that two-way working will resume. There is some sensitivity testing which considers the network with the traffic lights remaining in place.
- 1.29. The WSCC representations on MM227 (ID/1502) argues that a further criterion should be added to the Adversane site allocation policy to require impacts on the highway network (arising as a result of one way working on Church Hill) to be assessed. This includes a provision restricting occupation until two-way working is restored.
- 1.30. Given that there is no programme for the restoration of two-way working, and WSCC has been unable to devise a solution (see WSCC reps on MM227 ID1487) the restriction on use of Church Hill provides a further and significant impediment to delivery. Given the passage of time (since December 2022) and lack of permanent solutions to the second highest classification north/south route in West Sussex, it would not be unreasonable to assume that there is no viable solution to constraints on the A29.

² Adversane Overbridge Report Appendix B pdf page 57 (Appendix WBP2 to the Thakeham representations on the proposed modifications)

- 1.31. The Transport Assessment prepared by Ridge (Appendix WBP3 to the Thakeham representations on the Proposed Modifications) also referenced the ongoing congestion issues in Pulborough.

Sustainable Transport

- 1.32. The representations submitted on behalf of Network Rail in response to the Proposed Modifications (Ref: ID928)) confirm there is no support for this safeguarding of a train station as part of the allocation. Accordingly, the modal shift assumed for this site should not have any regard to rail journeys as they will not be achieved from the site.
- 1.33. In addition, and as acknowledged in the SA (**HDCJB13**), Buck Barn is preferable on transport grounds (2.3.73 and 3.1.51) and also has a significant advantage on employment growth (2.3.87 and 3.1.63).

ii. The provision of social and community facilities, including:

- **health**
- **education**
- **retail**

Education

- 1.34. Our Matter 5(a) Statement explains our concerns relating to the timing of the provision of the education element of the scheme. In addition, infrastructure obstacles, including ownership and funding, meant the delivery assumptions relied upon by the Council will not be realised. This means the supporting social infrastructure including, health, education and retail, will not be provided in accordance with the Council's assumed delivery rates.

- 1.35. The Council's Updated Strategic Site Assessment Report (**HDJB14b**) refers to the County Council's advice that the Weald Secondary School in Billingshurst is approaching capacity (Page 8 of the document refers). It is stated that *"provision of a secondary school on this site (Adversane) therefore has the potential for this to help ensure the delivery of wider education needs across the District, closest to the area with identified capacity constraints. This is considered to be a very significant benefit of the proposal."*
- 1.36. This stance seeking to justify the proposed development at Adversane is repeated in the Main Modifications³. It is also relied upon in the SA (**HDCJB13**, paragraph 2.4.1).
- 1.37. Although the County Council's advice regarding Weald School is not in a published form, the Infrastructure Delivery Plan (**HDCJB19**, pages 178 and 179) references their 2025 School Places Planning document.
- 1.38. The more recent 2026 version of the School Places Planning document (Extracts attached at WBP1 to our Matter 5(a) Statement) indicates that although there are challenges with secondary school capacity to 2030, this will be resolved by 2034 when the advocated 5% buffer would be available.
- 1.39. The Council's Housing Delivery Study Update (**HDCJB20**) suggests provision of the secondary school in 2034-2035 (paragraph 3.107 refers), which coincides with the surplus provision at the Weald School. Accordingly, the secondary school at Adversane would not be needed to address shortfalls in the area as capacity will exist at the time it is due to be delivered.

³ See Sustainability Appraisal (paragraphs 2.2.14 and 2.3.15).

iii. **Impacts and mitigation:**

- **Landscape, the countryside, trees and woodland**
- **wildlife and biodiversity**
- **heritage assets**
- **climate change mitigation, drainage, flood risk and utilities**

Utilities

1.40. Page 11 of the Council's Site Assessment Report (**HDJB14b**) highlights the need for upgrades to the electricity network to serve the planned development of a new community at Adversane, which matter we addressed at paragraphs 2.190 to 2.196 of our representations upon the MM consultation.

1.41. This represents a significant constraint to delivery of the Adversane allocation.

1.42. Consideration of the electricity network is set out in the Technical Note prepared by Hilson Moran (Appendix **WBP2 to our Matter 5(a) Statement**). This explains the cost and timescale associated with the required upgrades to the power network to serve Adversane. This will have a significant impact upon the anticipated timescales for the delivery of new homes from these sites.

iv. **Delivery:**

- **masterplanning**
- **the funding and phasing of necessary infrastructure and mitigation measures**
- **the identification of any potential impediments**
- **site capacity, build out rates and the build out period**

Masterplanning

1.43. The Masterplan for Adversane included in the site promoter's request for a scoping opinion (LPA Ref: EIA/26/0005) shows the development of a secondary school, dwellings (circa 300) and some 'town centre' uses to the west of the railway line.

- 1.44. The majority of the development, including most of the supporting infrastructure, is proposed on the wider part of the site to the east of the railway line.
- 1.45. Extracts from the Promoter's EIA Scoping Request (June 2026) are included at Appendix **WBPB**. This shows a Phase 1 development comprising the bridge over the railway and some housing development. However, it does not quantify the number of dwellings within this phase.
- 1.46. This approach appears to differ from the assumptions and information within the Council's Housing Delivery Study (**HDCJB20**, paragraphs 3.95 to 3.115).
- 1.47. Clearly, the need to secure access rights to provide a bridge over the railway line represents a clear constraint to the timing and delivery of development on the site. This will also have implications for the masterplan and the timely delivery of supporting infrastructure including the neighbourhood centre, employment and education uses.

Funding & Phasing of Infrastructure

- 1.48. The information contained in the Council's Housing Delivery Study Update (**HDCJB20**) relies upon information provided by the promoter of the site. However, it does not take into account the major constraints to delivery identified in the (**HDCJB13**) and Site Assessment Report (**HDCJB14**) relating to (i) the cost for the bridge and shared value with Network Rail, or (ii) the cost associated with addressing the lack of capacity in the electricity network. These major infrastructure obstacles need to be addressed in order to conclude on the robustness of the Council's delivery assumptions.

Site Capacity, Build out Rates and Build out Period

- 1.49. Paragraphs 2.117-2.119 and 2.127-2.139 of our representations on the MMs references the lack of a detailed site and source specific trajectory to demonstrate how the expectations of the Council are supported by a proportionate and up to date evidence base consistent with the NPPF⁴.

⁴ Paragraph 31

- 1.50. This failure is compounded by the unrealistic expectations of delivery of the essential infrastructure to achieve the growth rates envisaged.
- 1.51. Furthermore, there is no consideration of how delays in the provision of key infrastructure will limit the ability to achieve completions or impact upon the overall viability case for the scheme.
- 1.52. This will lead to pressure to both delay when necessary/critical infrastructure is delivered alongside reductions in the affordable housing provision, especially since the Local Plan Viability Update (**HDJB16**) highlights⁵ the need for land sales to reimburse expenditure. from sites as illustrated by the optimistic expectations from sites where critical infrastructure improvements are pre-requisites to achieve the overall housing requirements.
- 1.53. Table 9 of our representations on the MMS provides a comparison of the Strategic Site Viability Testing of the Adversane site within the various Viability Reports⁶. As indicated, there is no indication of what the base dates are and consequently the reasons for the significant increases in costs.
- 1.54. Whilst the representation references that costs have increased greater than general inflation, this is also the position with respect to build costs specifically when considered against the BCIS updates for CIL. The unrealistic nature of the costs is reinforced by the omission of detailed breakdown for key elements as explained⁷ alongside the discrepancy between the summary table (8-2) and the limited detail for the site⁸.
- 1.55. As the representation indicates, the expected lead in time and subsequent build out rates as implied by the supporting documents (as referred to above) do not align with the clear evidence of what is realistic. Accordingly, delivery at Adversane will not be achieved at the timescales relied upon by the Council.

⁵ Paragraph 8.78

⁶ November 2023 (H12), June 2026 (**HDJB16**)

⁷ Railway bridge, schools and utilities.

⁸ Paragraphs 8.70 – 8.72.

- 1.56. Adversane will not achieve anywhere near the contribution of 1,425 dwellings in the Plan period⁹.
- 1.57. Since the Local Plan Viability Report Update (**HDCJB16**) assumes the construction of 178 dwellings annually, to achieve the 1,425 dwellings relied upon necessitates an eight year programme.
- 1.58. With the current Plan Period extending to 2040, to achieve the minimum output of 1,425 dwellings necessitates the first completion in 2032. Whilst such a date would align with the lead in from application to first completion within Lichfield's Start to Finish Report¹⁰ alongside the experience elsewhere in the district¹¹, it would delay the provision of key infrastructure such as the secondary school, which the Council relies upon as part of the justification for the scheme.
- 1.59. The Council has prepared a 'Housing Trajectory and Five Year Housing Land Supply Update' (Aug 2026) (**HDCJB22**). However, paragraph 1.3 states that *'further detail on the trajectory and supply will be provided in due course'*. This *'further information'* is yet to materialise. This is particularly unfortunate given the need to review the delivery assumption as part of testing the soundness of the Council's spatial strategy and approach to site selection.
- 1.60. Thakeham's position that the Modified Plan is unsound, given it is not supported by the required up to date proportionate evidence base to confirm the deliverability and/or developability forecasts. These are essential to demonstrate compliance with the NPPF¹².

Market Absorption Rates: Impacting Delivery

- 1.61. The evidence documents to the Local Plan highlight concerns with market capacity in the western part of the District.
- 1.62. The Site Assessment Review from 2023 (**H11**, page 26) states *"The Council's own Housing Delivery study indicates that if both East of Billingshurst and Adversane were allocated, the level of homes the housing market could accommodate in this part of the District would further reduce the number of homes this site could deliver during the plan period."*

⁹ Within MM147

¹⁰ As referenced in paragraph 2.180

¹¹ See Table 10 of representation

¹² Paragraph 68

- 1.63. The Site Assessment Review Update from June 2026 (**HDCJB14**) reflects a more positive tone, suggesting the housing market could accommodate Adversane and other allocations (page 15 refers).
- 1.64. This does not appear to be supported by the analysis in the Housing Delivery Update (**HDCJB20**) which highlighted the challenging conditions and concerns about market saturation (paragraphs 4.36, 4.38, 4.41, 5.15 and 5.16 refer). The Council's best case on this issue is the delivery assumes are 'possible' and 'challenging'. This does not reflect the approach at paragraphs 16(b), 35(b) and (c) and 68 of the NPPF.
- 1.65. Setting aside the in principle objection to the allocation of Adversane as a strategic location for growth, which is not justified by the evidence (including the findings in the SA (**HDCJB13**)), the delivery assumptions in **HDCJB20** will not be realised.
- 1.66. The impediments to the delivery of Adversane may be summarised as follows:
- Delivery of the railway bridge.
 - no clear evidence as to the state of negotiations with Network Rail Including in relation to Shared Value).
 - Electricity supply constraints.
 - Unrealistic build out rates.
 - Market capacity (absorption rates)

Summary

- 1.67. Given the fundamental obstacles which exist, and the lack of evidence to demonstrate whether and when they can be overcome, it would be demonstrably unreasonable to conclude that the Adversane site is deliverable in the timescale anticipated. The Plan is not effective as it is not deliverable over the plan period. It is unsound.

WBPA Network Rail Shared Value Policy

A blue-tinted photograph of a large, historic railway station with multiple arches and a central clock tower. The image serves as a background for the top half of the page.

Shared Value Policy

When third parties require use of, or rights over Network Rail (NR) land, additional value in that adjacent land can be generated. NR may expect to receive a share of this additional value as consideration for its own disposal of land, grant of rights, or the use of its land. This is a valuable source of income for NR and is known as shared value. External parties may refer to it as ‘ransom’ but NR does not regard it as such and indeed it is a recognised part of the regulatory targets imposed on NR through the Office of Rail and Road (ORR) settlement process.

The ORR position on shared value is currently stated in the ORR publication – Investment Framework Consolidated Policy and Guidelines – published on its website and dated October 2010 (page 39, point 9.2).

Background

It is accepted within the property industry and well-established in case law at Upper Tribunal (Lands Chamber) that where land or rights in land are required to enable a development to proceed or otherwise create additional value in property, it is legitimate for the owner of that land to require a payment for the rights or land.

The appropriate level of payment was first established in the *Stokes v Cambridge Corporation* case of 1961. The principles were later confirmed in the *Kent County Council v Batchelor* case along with many others. In these cases, payments were determined in relation to a share of the additional value created by the grant of enabling rights.

A typical example would arise where access to a development site is needed by a developer across third party land, such as a bridge over the railway. The owner of the access land could charge an amount related to the uplift in value generated by the additional development that can be derived as a result of the grant of access rights.

These principles have been established at the Upper Tribunal in compulsory purchase order (CPO) cases. They are therefore appropriate principles to adopt in discussions with Local Authorities and development organisations where the rights required deliver increases in land value even where these interests are to be acquired by CPO or threat of CPO. In such cases, it will be necessary to establish how much of any value uplift could occur in the absence of compulsory powers. The basic principle is that market value should form the basis for assessing compensation.

Shared value payments can also arise from the need for service media to pass across NR land or the variation of restrictive covenants.

Guiding Principles

In dealing with third parties, and at a very early stage of discussions, NR should clearly set out the basis on which it is prepared to offer rights or other interests in land in shared value situations. This will avoid misunderstandings and may also identify any differences of opinion on the principles involved early in the process and thereby remove any unnecessary delays to projects.

As a basic principle, NR should not seek shared value payments where clearly none are due, but equally it should seek fair value where NR has a clear shared value position. NR should investigate situations where there is doubt but not seek to prolong such discussions beyond the point where it becomes clear that no shared value payment is due or that it is not possible to prove that a payment should be due.

Where there is dispute about whether a shared value situation exists or where there is doubt about whether NR is applying its policy correctly, (which in either case may have implications as regards related ORR policy) such matters should be referred initially to Head of Regulatory Compliance and Reporting for an internal assessment.

It is important that NR is seen to act reasonably and within established case law and valuation principles. In particular, NR must be seen to require no more than it is due. The usual starting point where NR is the only key holder should be 50 % of the uplift in value. Where more than one keyholder is involved this amount could be split equally amongst the keyholding parties. The split should be determined on the circumstances of the case.

NR should co-operate in respect of the development of technical information and advice; design development and approvals of railway works and should not seek to withhold or delay railway approvals to secure or strengthen a shared value situation.

If an acceptable financial arrangement cannot be reached within the timescales required then the matter can be referred to an independent valuer to determine the appropriate level of payment to be required. This might be an expert jointly appointed or alternatively some form of mediation could be adopted, dependent on the issues involved.

In significant, complex or potentially contentious cases consideration should be given to seeking commercial valuation and negotiation advice at an early stage. In such cases it may also be sensible to consider early discussions with the relevant planning authority to ensure that they are aware of the issues.

Issues

Access Rights

This type of shared value situation usually occurs where access is required into a development site, often via a bridge over the railway or through other means requiring the use of or rights over NR land. In such cases, NR will seek a fair proportion of the uplift in value created by the rights it grants in line with the principles outlined above.

It must be recognised however, that some bridge or access rights are required for schemes that are not commercial. Examples might include a pure road improvement scheme promoted by a statutory body and not directly linked to any commercial development. In such cases, scale rates should be charged in the usual way. These charges relate to the number of tracks crossed, and the width of the bridge together with indexation. NR costs can and should also be recovered in these cases to the extent that this is possible.

There will also be cases where a scheme is a marginal commercial development such as a grant-aided scheme (whether council or developer promoted) where no current or likely future uplift in land value can be achieved. Scale rates may also be the appropriate basis of charging in these instances. In cases which are currently unviable but may become profit-making in the future, a clawback/overage type arrangement can be adopted.

There may also be cases where an apparently non-commercial scheme, can in fact be shown to release additional land value in other adjoining land. In these cases, the shared value principles should be applied in the same way as for a normal commercial development, if the link can be proved. This situation could occur for example; where land is the subject of CPO for a new road by a local authority, which will enable access to adjoining development land in third party ownership and facilitate valuable development on that land. In such cases, it is necessary to be able to make a reasonable link between the grant of the rights in question and the value created. The basic principle adopted is that NR is entitled to the market value of the rights irrespective of who acquires them, if it is reasonable to assume that someone would have been prepared to acquire the rights in the marketplace in the absence of CPO powers.

Where an access across NR land has been shown to be required, landowners and developers often seek to reduce the level of payment or avoid a payment altogether by arguing that it is possible to develop a proportion of the proposed scheme without the access rights from NR. Only the value genuinely added to the development by the grant of the rights should form the basis of shared value discussions.

In the above scenario where access works are accompanied by railway enhancement works, ORR has confirmed that in principle the offer of, or need for railway enhancement works should not prevent NR from seeking shared value payments. Where such works are carried out however NR should be prepared to reduce the shared value payment by the value to NR of the enhancement works and take any surplus as a capital payment. Care does need to be exercised in assessing the benefit of enhancement works to NR on an appropriate basis which will usually but not always be the pure cost of the works.

In large access rights cases there may occasionally be a large number of parties who control the access to the site. An alternative approach in this type of negotiation might be to become a partner in the scheme along with the developer and the other keyholders, as opposed to adopting a shared value position. Lands Tribunal decisions have indicated that if more than a few owners are involved the degree of control becomes significantly reduced, if not impossible to prove. Where a reasonably large number of land owners exists a partnership approach may have advantages. NR needs to ensure that it enters into such arrangements on the same or equally beneficial terms as the other parties and NR would benefit from an equal share of the whole value uplift (as opposed to a percentage of it). The appropriateness of this approach will vary dependent on the circumstances.

There are a limited number of cases where the original acquiring acts give landowners rights to bridge over the railway. In such cases no shared value opportunity exists, subject to a number of other criteria being met. This will only be the case for certain land acquired for the railway, normally before 1845, after which statutory powers of acquisition usually incorporated the provisions of the Railway Clauses Consolidation Act 1845 which lacks such bridging rights.

Where a third party already has access rights, but for example needs to widen or strengthen a bridge to implement a planning consent, this may also represent a grant of rights that enable development to proceed. Whether or not a shared value opportunity exists will depend on whether the original acquiring act gives express or implied rights to the adjoining owner to reconstruct the bridge in a different form, which is sufficient for the needs of the development. The principle of deducting the value to NR of any operational benefit from the shared value payment should be adopted in this situation where a railway enhancement is produced. Consideration should be given as to whether the value of the benefit to NR is the costs of the works or for example only a maintenance saving, or some other appropriate measure.

Recent examples of other shared value situations have included cases where NR has been asked to carry out works to its own infrastructure to facilitate the access to a development site or enable the implementation of a planning consent. Here, also the value of any operational or safety improvement to NR could be reflected in the financial arrangements, but the fact that use of NR land is required will constitute a shared value position. The test in these situations should be whether, if the developer used a contractor to carry out the works, rights would be required from NR that would constitute a shared value position. The fact that NR acts as the developer's contractor should not negate a shared value position.

Occasionally, access is required to facilitate a commercial freight development by a developer. NR should not seek payments based on any form of track access; however, if road access or other rights are required over NR land to enable the scheme to proceed then the normal shared value principles should apply.

New Stations

Planning consents for large development projects often require a new station to be provided to enable these schemes to proceed. ORR guidance states that NR should seek shared value payments from these opportunities, where the scheme cannot proceed without the provision of a station.

The same principles would apply to this scenario in terms of deducting the value of the new station facility. In addition, where a developer wishes to provide a higher specification station than NR would otherwise provide, NR should not be obliged to reduce the shared value payment to reflect this additional cost as it would not be a requirement of the railway.

Where the developer's S106 obligations give it the option to spend a fixed amount on either, station or other transport improvement works, a slightly different approach may be adopted. Whilst no shared value opportunity exists over the base scheme in such a situation, NR may argue that although the rights are not required to develop the scheme, these rights if granted would give the developer a windfall benefit of uplift in house/flat prices due to proximity to the station. NR commissioned research by property consultants Rapleys, which demonstrated that a new station would add in the region of 6.4% to house prices in the area of study. More recent research by CBRE has pointed to an average uplift of 5%. The percentage uplift will vary dependent on location, and whether the station accesses a commuter route. In this scenario, the share of the uplift in house prices would need to be researched and would need to exceed the station cost for a cash payment to be justified.

Restrictive Covenants

Network Rail also receives approaches from adjoining owners over whose land NR has the benefit of restrictive covenants. In some cases, the release of these covenants can constitute a shared value opportunity. In general, if the release or modification of rights is necessary to allow a scheme to proceed, then shared value principles should apply. Alternatively, if the rights merely enable increased density or value to be derived from a larger scheme, then only that additional value should be the subject of the shared value negotiation.

It should be noted that there are some standard NR conveyance clauses, which are solely for the protection of the operational railway, and which it would be inappropriate to use to seek to argue for shared value. For example, clauses preventing construction without NR approval of plans and method statements are generally for the protection of the railway and are not intended for commercial gain. These clauses should not be used to require shared value payments.

Other clauses such as use restrictions and no-build restrictions are however often imposed specifically to ensure that if future value increases accrue through change of use or development, NR can take a share of that value. In these cases, the shared value approach is therefore appropriate.

In assessing requests for the release of a restrictive covenant, consideration should be given to the options of modifying the covenant or issuing a specific consent under it, rather than releasing it altogether. This may allow a specific proposal to proceed, whilst ensuring that any future scheme or increased density would require further consent from NR and further payment could then be sought.

Easements

It is quite common for NR to get requests for service easements through its land for the benefit of adjoining developments. These can come from a number of sources. Most commonly requests arise from statutory service providers. These organisations have compulsory powers to requisition rights and the compensation payable for such rights is not a shared value payment but merely the diminution in the value of the land as a result of having the services running underneath it. This is usually a nominal sum.

Requests can also be of a type which might appear to be the usual statutory easement request, for example further development of a power station or wind farm, but are distinctly different. These are often commercial projects to which shared value principles should be applied. These schemes are often carried out with compulsory powers but the basis of valuation can be commercial value, in these circumstances. Care, therefore, needs to be taken to establish at an early stage the correct basis for assessment of compensation.

Occasionally, third parties approach NR for easements for services where the statutory provider does not wish to be involved. Here, a significant shared value opportunity may exist where the use of NR land is the only option. More commonly, however, services can be achieved via more than one route and often an alternative but costlier route will exist through other land. In these cases, the value to be shared could equate to the cost saving of taking the cheaper route through NR land.

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WBPB

Extract of Adversane EIA Scoping Request (June 2026)



Quod

EIA Scoping Report

Kingswood

June 2026

Q240997

1 Introduction

- 1.1 The purpose of this report is to inform a request for an Environmental Impact Assessment (EIA) Scoping Opinion from Horsham District Council ('HDC') in relation to emerging proposals for a residential-led development located at Land South of Adversane centred at National Grid Reference TQ 07799 22670 known as Kingswood. The Scoping Opinion is being sought on behalf of Our Place Sustainable Development Limited (the 'Applicant').
- 1.2 This document does not form or support a planning application for development. It provides supporting information to allow HDC to adopt an EIA Scoping Opinion in relation to emerging proposals for development which will be subject to a hybrid planning application to be submitted in due course.
- 1.3 The site ('Site') comprises approximately 172 hectares (ha) south east of the village of Adversane, approximately 2km south of Billingshurst. Figures 1.1 and 1.2 show the Site's location and the likely maximum extent.

The Applicant and Vision

- 1.4 The Applicant, Our Place Sustainable Development Ltd ('Our Place') is a UK-based landowner and master developer specialising in the delivery of mixed-use, sustainable communities, with an emphasis on placemaking, walkable neighbourhoods and responding to local character and context
- 1.5 The Applicant's vision for Kingswood is to create a healthy, walkable and sustainable small town that provides homes and jobs to people of all ages and backgrounds in the heart of West Sussex. It will be distinctive and steered by careful masterplanning and design.
- 1.6 Kingswood is proposed as a new mixed-use settlement designed to evolve into a distinct Sussex town, with an emphasis on integrating nature, wellbeing and economic activity within a comprehensive masterplanned framework. The proposals include the delivery of new homes supported by associated infrastructure, as well as provision for employment, skills development and job creation.

The Development Proposals

- 1.7 The proposals for Kingswood comprise a strategic mixed-use development at land south of Billingshurst, promoted as a new settlement designed to deliver approximately 3,200 new homes to meet housing needs alongside employment opportunities, community facilities and supporting infrastructure. The scheme is intended to be delivered on a phased basis, creating a sustainable and self-contained community with schools, local centres, green infrastructure and transport connections, thereby meeting identified housing and economic needs while reducing reliance on existing settlements for day-to-day services. The proposals are subsequently referred to as the 'Development'.
- 1.8 The proposals are being developed in consultation with HDC and other stakeholders and will also be subject to public consultation before a planning application is submitted.

- 1.9 The Applicant intends to submit a hybrid planning application which will be a single planning application which seeks a combination of:
- **Full planning permission ('detailed component')** for the first phase of the Development and associated access; and
 - **Outline planning permission ('outline component')** for the remaining elements, with some or all matters (typically scale, layout, appearance, access and landscaping) reserved for subsequent approval (reserved matters applications).
- 1.10 Figure 1.2 provides an indication of the anticipated likely extent of the planning application and the extent of the detailed and outline components. Brief descriptions of the Site and the proposed Development are provided within Chapters 2 and 3 respectively.

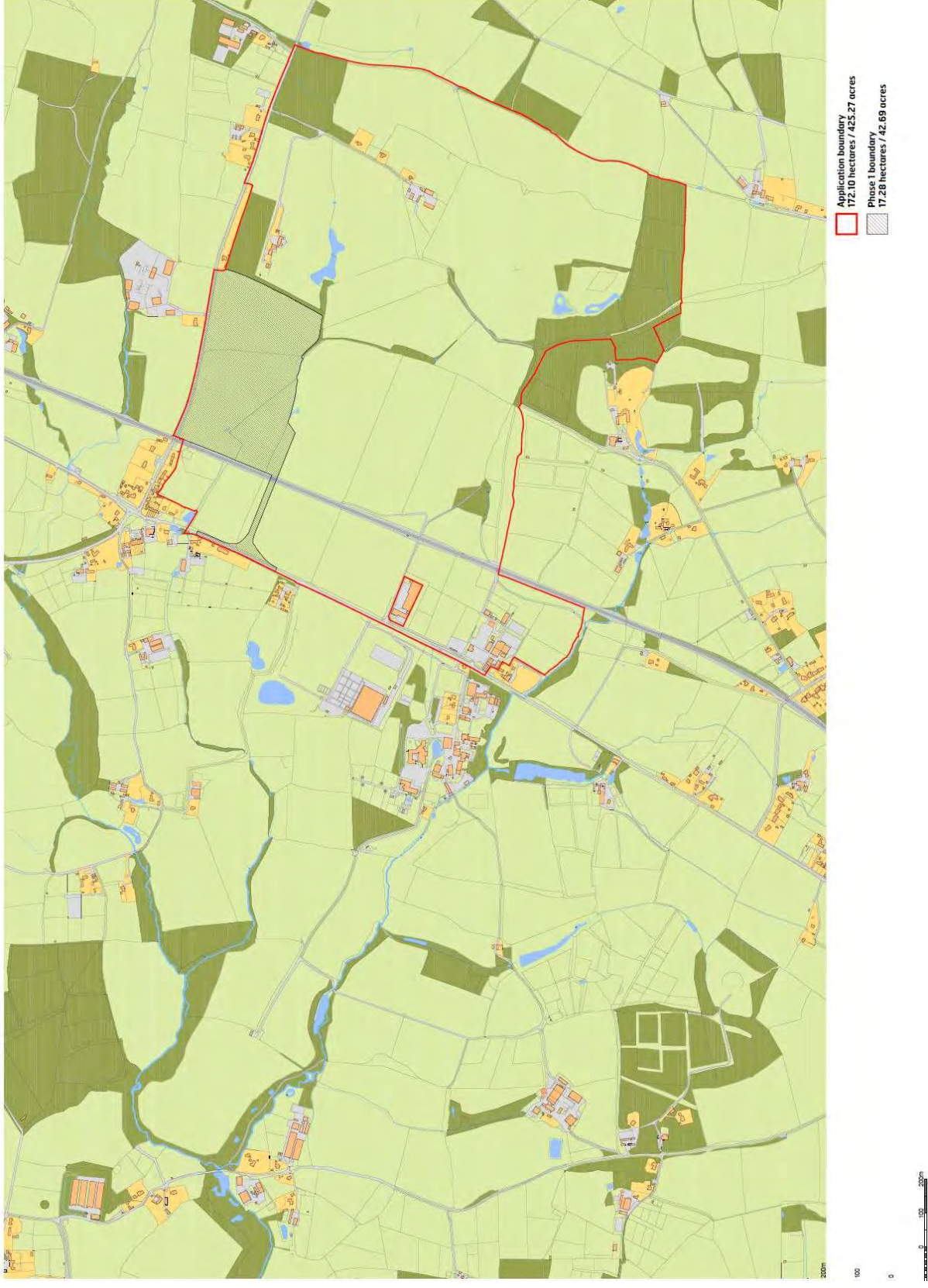
Purpose of this Report

- 1.11 The Applicant is voluntarily undertaking an EIA process, and an Environmental Statement (ES) will therefore accompany the planning application. EIA is a systematic process that identifies and assesses the environmental impacts of a development and ensures that a local planning authority, when deciding whether to grant planning permission, does so in the full knowledge of the likely significant effects on the environment. The EIA process is also used to inform the design by identifying measures to prevent, reduce or offset adverse environmental effects and enhance beneficial effects.
- 1.12 This report sets out the findings of a scoping study which represents the first stage of the EIA process. It accompanies a formal request for a Scoping Opinion submitted to HDC under Regulation 15 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017¹ (as amended²) ('EIA Regulations').
- 1.13 In line with the EIA Regulations, this report identifies the Site location, provides a brief description of the nature and purpose of the Development, and an explanation of the likely significant effects of the Development on the environment. The report also outlines the proposed content, approach and scope of the ES to be submitted with the planning application.
- 1.14 In line with the EIA Regulations, the ES will be 'based on' the Scoping Opinion to be adopted by HDC. The ES will be prepared by competent experts (see Project Team section for further details).

¹ Her Majesty's Stationary Office (HMSO), 2017. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Stationary Office, May 2017.

² HMSO, 2018. The Town and Country Planning and Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2018. The Stationary Office, October 2018.

Figure 1.2: Indicative Site Boundary and Detailed Component Extent (Phase 1) (Source: Brooks Murray Architects)



- 3.11 Land for office, light industrial and a secondary school would be provided off the A29 Stane Street. Two primary schools are also included although the second would be subject to need. A hotel would also be provided within the Development.

Infrastructure and Access

- 3.12 The detailed component would include details of access from the A29 Stane Street, which would include the principal means of access to the Development via a new roundabout and access onto Adversane Lane (B2133). Other points of access would be included in the outline component of the application, including a further A29 Stane Street junction (ghost island) and a second junction on Adversane Lane (B2133).
- 3.13 A new bridge will be provided across the Arun Valley Line railway to enable access from the A29 Stane Street to the east of the Site. Delivery of this bridge would enable Network Rail to either close or replace the existing Adversane Level Crossing on Adversane Lane (B2133) as traffic would be able to route through the Development. However, closure of the Adversane Level Crossing does not form part of the planning application.
- 3.14 Land will be safeguarded within the Site for the future delivery of a railway station adjacent to the Arun Valley Line and proposed local centre. Both Network Rail and Govia Thameslink have confirmed the safeguarded area is a suitable location for a new station. The station does not form part of the Development and would be subject to a separate planning application.
- 3.15 The Development is being designed to integrate bus services and active travel corridors would be provided to encourage walking and cycling together with a mobility hub. Existing PRoWs would be retained and enhanced within the Development. Additional walking and cycling routes which link to the surrounding network would also be provided.
- 3.16 Some off-site highway improvements will be required, and these would be considered as part of the Development for EIA purposes. On-Site and off-Site infrastructure and utility works to include electricity grid, potable, waste water and fibre connections would also be considered as part of the Development.

Green Infrastructure

- 3.17 The Development will provide areas of green space and public open space, with sports pitches, allotments, biodiversity areas, sustainable drainage systems, recreation, play, and ancillary facilities. Existing landscape and important biodiversity features such as ponds, woodland and hedgerows will be retained within the Site as far as practicable. The Development will deliver a minimum of 10% biodiversity net gain in line which will include a network of green and blue infrastructure.

Construction and Delivery

- 3.18 The Development is expected to be delivered in phases although flexibility in phasing would be reserved in the application. Construction of the Development will be dependent on market demand although subject to planning permission, works could commence in 2028,

first occupations could be in 2030 and completion could be in 2045. This represents a programme of around 17 years, although the ES would be based on reasonable worst-case assumptions.

- 3.19 The detailed component, in the north west corner of the Site, would likely comprise the first phase of construction. Works would be expected to move gradually south and then eastwards.
- 3.20 Due to the topography of the Site, it is likely that some engineering works including ground re-modelling may be required to create suitable level platforms for the development areas. Principles of ground engineering work would be set out in the application where appropriate.

Figure 3.1: Indicative Masterplan [NOT FINAL]



- Review of relevant WSCC and HDC policy and strategy documents, including the West Sussex Transport Plan (2022–2036) and associated Area Transport Strategy for Horsham, WSCC Active Travel Strategy²² (2024–2036) and Local Cycling and Walking Infrastructure Plan²³, together with the emerging Horsham Local Plan and its supporting transport evidence base;
- Review of data on public transport routes, WSCC road collision and casualty data²⁴, and WSCC Definitive Map of Public Rights of Way²⁵; and
- A review of the existing highway conditions, including walking and cycling infrastructure, public transport provision and receptor location/sensitivity.

6.19 Information obtained from pre-application discussions with WSCC and HDC will also inform the assessment.

Surveys

6.20 Site surveys have been undertaken to inform the assessment, using:

- Traffic survey data for the key junctions and links carried out in November 2025. This included manual classified turning counts (MTCs) and automatic traffic counters (ATCs); and
- Department for Transport (DfT), WSCC and other data on traffic movements in the study area.

Future Baseline

6.21 Future baseline traffic conditions will be derived from traffic survey data and relevant Trip End Model Presentation Programme (TEMPro) growth factors and / or other planned growth for the completed Development year (assumed as 2045). The future baseline assumptions and model parameters will be agreed with WSCC and HDC through the Transport Assessment scoping process.

Method

6.22 The assessment will apply magnitude of impact and significance criteria developed from the IEMA Guidelines which have been applied successfully elsewhere on similar schemes in relation to the aspects listed at paragraph 6.11.

6.23 Annual Average Weekly Traffic (AAWT) flows (18hr five-day flows) and Annual Average Daily Traffic (AADT) flows (24hr seven-day flows) will be derived for all relevant links within the study area. The assessment years/scenarios would be agreed with WSCC and HDC although are anticipated to be as follows:

²² WSCC, 2025. West Sussex Active Travel Strategy 2024-2036.

²³ WSCC, 2025. West Sussex Local Cycling and Walking Infrastructure Plan.

²⁴ Available at: <https://www.westsussex.gov.uk/roads-and-travel/road-safety/road-collision-and-casualty-data/>. Accessed: April 2026.

²⁵ Available to be requested by WSCC, further details at: <https://www.westsussex.gov.uk/land-waste-and-housing/public-paths-and-the-countryside/public-rights-of-way/the-definitive-map-and-statement/>

- **2025 / 2026 Existing Baseline** – pre-construction conditions based on existing survey data.
 - **2034 Opening Year Baseline + Committed Development (Without Development)** - opening year conditions including committed development but excluding the Development.
 - **2034 Opening Year with Development (Phase 1 and Construction)** - 2034 Opening Year Baseline + Committed Development + Phase 1 Development + peak construction traffic.
 - **2045 Future Year Baseline + Committed Development (Without Development)** – future year conditions including committed development but excluding the Development.
 - **2045 Future Year (Full Development)** – 2045 Future Year Baseline + Committed Development + Development (Vision scenario).
 - **2045 Future Year (Full Development)** – 2045 Future Year Baseline + Committed Development + Development (higher traffic scenario).
- 6.24 The need to assess intermediate phases of completion of the Development and its associated infrastructure would be dependent on the potential for new or different significant effects and would be subject to agreement with WSCC and HDC.
- 6.25 The planning application is not proposing to close the Adversane Lane Level Crossing. Therefore, the main assessment within the ES will be with Adversane Lane Level Crossing open as currently operating. The potential closure of Adversane Lane Level Crossing and its associated localised effects on road users with the Development in place would be considered as a sensitivity test.

Demolition and Construction

- 6.26 The assessment will consider a representative peak construction traffic scenario, reflecting the period during which construction traffic and associated transport effects are likely to be greatest. This will provide a robust basis for assessment, recognising that traffic flows during other parts of the construction programme are likely to be lower. Construction traffic assumptions will be based on reasonable worst-case principles, informed by the indicative construction programme, expected construction activities, and the principal construction routes identified through the Outline CTMP. The construction assessment will be undertaken against an appropriate future baseline scenario, including background traffic growth and committed development, as agreed through the Transport Assessment scoping process.

Completed Development

- 6.27 The completed development assessment will be undertaken using an agreed future assessment year and scenario framework informed by the Transport Assessment scoping process with WSCC and HDC. Consistent with the approach set out in the Transport Scoping Note, the assessment will be based on a vision-led approach and will test appropriate future baseline and with-development scenarios, including background traffic growth, committed development and the full development in operation, to identify where likely significant transport and access effects may arise.

data provided by DEFRA or local background monitoring data, and traffic flow projections. Traffic data will be provided by the project transport consultants.

- 7.31 Emission rates for NO_x, PM₁₀, and PM_{2.5} would be determined for each highway link where the changes in traffic trigger the thresholds for assessment, using the most recent Emission Factor Toolkit (v14.1)⁴⁰ as produced by DEFRA.
- 7.32 It is expected that receptors within the air quality study area will be modelled for the following temporal scenarios:
- Verification Year – 2025
 - Base Year – the year that the traffic surveys informing the traffic model were undertaken in. The majority of traffic surveys were undertaken in 2025, and TEMPro factors will be used to back-calculate those undertaken in 2026;
 - First year of operation and peak Construction Year (2030) with and without the Development (Construction and Phase 1); and
 - Completed Development year (2045) with and without the Development.
- 7.33 A peak construction year of 2030 has been assumed as the residential phases of Development will likely generate relatively uniform levels of traffic, with the construction of the new rail bridge constituting the key consideration of additional construction traffic. The 2030 assessment will assume that Phase 1 of the Development will have been completed, and the operational traffic associated with this will be on the highway network.
- 7.34 Committed development would be included within the future baseline year scenarios as agreed with HDC through EIA scoping and with WSCC through scoping the Transport Assessment.
- 7.35 Meteorological data, such as wind speed and direction, is inputted into the model in order to calculate pollutant concentrations at a given receptor location. The DEFRA guidance, LAQM (TG22)⁴¹, provides guidance on how to choose a suitable representative local meteorological station for detailed modelling. Based upon this guidance, data will be obtained from the most suitable meteorological station.

Demolition/Construction and Operational Road Traffic Assessment – Assessment Approach to Ecological Receptors

- 7.36 The assessment of effects on ecological receptors will focus on designated ecological sites and other relevant habitats that could be affected by air pollutant concentrations or nitrogen deposition arising from construction and completed Development traffic.⁴² An initial screening exercise will be undertaken to identify those road links within 200 m of relevant ecological receptors where changes in traffic flows are of a scale that could give rise to a material change in air quality, having regard to IAQM (2020) guidance, DMRB LA 105 and Natural England standing advice. Where screening indicates that changes in pollutant

⁴⁰ Department for Environment Food & Rural Affairs, 2026. *Emissions Factor Toolkit – EFT v14.1*.

⁴¹ Department for Environment, Food & Rural Affairs, 2025. *Local Air Quality Management Technical Guidance (TG22)*.

⁴² Note that for the purposes of the Shadow HRA, other plans and programmes (where relevant) will be included in line with the requirements of the Habitats Regulations.



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