



Horsham  
District  
Council

# Horsham District Local Plan Examination

## Inspector's Letter: Frequently Asked Questions

April 2025, Version 1

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## Introduction

1. On 26 July 2024, the Council submitted the Horsham District Local Plan 2023-2040 for examination. Initial examination Hearings were held between 10 and 12 December 2024, with the expectation that further Hearings would be held. However, on 16 December 2024, the Inspector cancelled further Hearings, explaining that the Council would be written “as soon as I can possibly can” identifying significant concerns with the Local Plan. 112 days later, on 7 April 2025, the Council received a letter from the Inspector examining the Horsham District Local Plan<sup>1</sup>.
2. This document has been produced to answer questions about the letter and provide more information about future steps that the Council will take regarding local plan-making. This document may be updated as circumstances require.

### Question 1: What did the Inspector conclude?

3. The Inspector has recommended that the Council withdraw the submitted Local Plan from examination and prepare a new Local Plan.

### Question 2: Why did the Inspector recommend that the Local Plan be withdrawn?

4. The Inspector concluded that between January and July 2024, the Council did not fully investigate with other local planning authorities whether private solutions to water neutrality had the potential to bring forward more housing and therefore contribute to meeting the Government-set housing target in full and unmet housing needs for Crawley. On this basis, his view is that the Council has not passed the legal ‘Duty to Cooperate’ requirements. He recommends that the Local Plan should be withdrawn from examination, and suggests a new plan is commenced.

### Question 3: What is the Duty to Cooperate?

5. The Duty to Cooperate is a legal test applied to Councils preparing Local Plans. It requires Councils to work with other public bodies, such as other Councils, Natural England and Environment Agency, on key strategic planning issues (such as housing, the economy or key environmental issues) when preparing a Local Plan.

### Question 4: What does ‘withdrawing the Local Plan’ mean?

6. If a Local Authority decides to withdraw its local plan, the document has no status or weight – in effect, it ceases to exist except as an archived document. To formally withdraw the Local Plan, there will need to be a meeting of full Council and a formal resolution to withdraw.
7. Should the Local Plan be withdrawn, the Council will not be able to use any of the withdrawn plan’s policies to make planning decisions. This includes policies that allocate sites. The adopted Local Plan would continue to be the Horsham District Planning Framework 2015 (HDPF). However, many of the policies in this plan are now dated and hold less planning weight than they used to.

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<sup>1</sup> [https://www.horsham.gov.uk/data/assets/pdf\\_file/0009/146565/ID08-Inspectors-Interim-Findings-Letter-040425.pdf](https://www.horsham.gov.uk/data/assets/pdf_file/0009/146565/ID08-Inspectors-Interim-Findings-Letter-040425.pdf)

### Question 5: What is the Council's view of the Inspector's conclusions?

8. The Council has published its initial response to the Inspector's letter<sup>2</sup>. The Council strongly disagrees with the Inspector's conclusions, as it has worked consistently and effectively with all organisations, including adjoining authorities, during preparation of the Local Plan - and particularly on the issue of water neutrality. This is also the view of all partner organisations, who have agreed that we have met the Duty to Cooperate. Surprisingly however, the Inspector did not invite such organisations to attend the examination Hearings and therefore they could not address any concerns that he had. This is in contrast to other Local Plan examinations, for instance at Mid Sussex and Crawley, where officers representing Horsham District Council were able to confirm adherence to the Duty to Cooperate of other authorities.

### Question 6: Without a Local Plan, how will the Council determine planning applications?

9. The Council will continue to determine planning applications using the Horsham District Planning Framework 2015 (HDPF), Neighbourhood Plans and national policy. It is recognised that due to the age of the HDPF it does not, in all cases, align with national policies. This is particularly so in relation to policies which affect housing land supply and therefore they may not exert the same weight as once was the case when determining planning applications. The submitted Horsham District Local Plan was written to replace the HDPF and to ensure that the Council's planning policies were consistent with national policy.
10. As the submitted Horsham District Local Plan 2023-2040 was at an advanced stage, with reasonable prospect for adoption, regard was being had to relevant policies when determining planning applications. If the plan is withdrawn or found unsound, this will not be the case.

### Question 7: Will the letter lead to an increase the amount of development in the district?

11. The Government is introducing a new planning system. As part of this, it has changed the method in which housing targets are calculated. For Horsham District, the method now results in a housing need figure of 1,329 homes per year<sup>3</sup>, far beyond anything that the Council has previously had to accommodate. Without the protection of a local plan, this is the housing target that the Council will be assessed against when housing supply and delivery rates are calculated.
12. At the current time, the Council cannot demonstrate that it has a five year housing land supply. This means when planning proposals are considered, a key provision known as the 'presumption in favour of sustainable development' set out in paragraph 11 applies. What this means is that unless the harm arising from a development 'significantly and demonstrably' outweigh the benefits of granting permission, then applications should be considered favourably.
13. Without an up to date local plan in place, the location and timing of any planning applications become a lot more uncertain, and it will be more difficult to know when or where development will come forward. It is however likely that there will be an increase in 'speculative' proposals on sites which are not allocated in a local or neighbourhood plan.

### Question 8: In the absence of a Local Plan, how will the Council ensure that sufficient infrastructure is put in place?

14. The Council has worked with infrastructure providers to identify infrastructure projects necessary to accommodate the current and future needs of the district. This is set out in the Interim Infrastructure Delivery Plan<sup>4</sup>, published in March 2025.

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<sup>2</sup> [https://www.horsham.gov.uk/data/assets/pdf\\_file/0010/146566/HDC00-HDC-Initial-response-to-Inspectors-Initial-Findings.pdf](https://www.horsham.gov.uk/data/assets/pdf_file/0010/146566/HDC00-HDC-Initial-response-to-Inspectors-Initial-Findings.pdf)

<sup>3</sup> Calculated at the time of publication (April 2025)

<sup>4</sup> [https://www.horsham.gov.uk/data/assets/pdf\\_file/0004/146191/Interim-IDP-2025.pdf](https://www.horsham.gov.uk/data/assets/pdf_file/0004/146191/Interim-IDP-2025.pdf)

### **Question 9: Does this mean that development does not need to demonstrate water neutrality?**

15. Natural England's Position Statement<sup>5</sup> relating to planning applications remains in force. Applicants are therefore required to demonstrate that any development proposal is water neutral. Further information about water neutrality can be found on our website<sup>6</sup>.

### **Question 10: When will the Council start preparing a new Local Plan?**

16. Irrespective of the Inspector's letter, changes to national policy and legislation means the Council will be required to prepare a new Local Plan, when regulations are introduced by Parliament later this year. In February 2025, the Council submitted a document known as a Local Development Scheme (LDS)<sup>7</sup> to Government, setting out a timetable for progressing a new Local Plan. This indicated that a new style plan would begin preparation in the Autumn of 2025.

### **Question 11: How will Local Government Reorganisation affect the production of the Local Plan?**

17. Government has proposed that local government in Sussex is reorganised, with the ambition being to create new and larger unitary authorities to replace the existing District and Borough Councils (including Horsham District Council), that would come into being in April 2028.
18. In addition, it is proposed that a strategic-level Combined Authority will be created for the entirety of Sussex, which will come into being in April 2027. One role of a Combined Authority will be to prepare a Strategic Development Strategy (SDS) – a strategic planning document covering the whole of Sussex. This will set out the distribution of housing numbers for the new unitary authorities to develop in their Local Plans.
19. It is too early to know which unitary authority Horsham District will form part of, nor the speed at which an SDS will be produced and how it would impact Local Plan making. The Council will work with other authorities in the coming months to understand such impacts. More information about Local Government Reorganisation is contained on the Council's dedicated website<sup>8</sup>.

### **Question 12: What other measures will the Council take to manage development?**

20. The Council has in place a non-statutory document, called the Facilitating Appropriate Development (FAD) document, that was published in 2022. It sets expectations as to how sustainable development could be delivered in the district against the backdrop of not being able to demonstrate a five-year housing land supply. The Council intends to publish a new FAD in 2025 to reflect the Inspector's letter and changes to national policy and legislation.

### **Question 13: Will the Council withdraw the Plan?**

21. In his letter, the Inspector has said that the Council should withdraw the Plan because a failure to meet the legal 'Duty to Cooperate' is a matter that, as a point of law, cannot be rectified during the Examination. He also says that if the Council does not wish to withdraw the Plan, it could choose to receive a report which concludes that the Plan is not legally compliant. This would involve additional time and cost to the Council and divert resources away from preparing a new Plan.
22. Any decision to formally withdraw the Plan lies with the Members who make up the full Council. The Council is still considering its next steps and no decision has been taken.

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<sup>5</sup> [https://www.horsham.gov.uk/\\_data/assets/pdf\\_file/0019/106552/Natural-Englands-Position-Statement-for-Applications-within-the-Sussex-North-Water-Supply-Zone-September-2021.pdf](https://www.horsham.gov.uk/_data/assets/pdf_file/0019/106552/Natural-Englands-Position-Statement-for-Applications-within-the-Sussex-North-Water-Supply-Zone-September-2021.pdf)

<sup>6</sup> <https://www.horsham.gov.uk/planning/water-neutrality-in-horsham-district>

<sup>7</sup> <https://www.horsham.gov.uk/planning/planning-policy/local-development-scheme>

<sup>8</sup> <https://www.horsham.gov.uk/devolution>

#### **Question 14: What are the implications for the status of the Local Plan evidence base?**

23. Extensive evidence has been published to support the Local Plan strategy and policies. The Council's view is that this evidence remains as valid as it was before the Inspector's letter was received.
24. This view takes into account the Inspector's stated views. In his letter, he recommends that the Council rapidly prepares a new Local Plan, and in doing so, *"could utilise much of the good and comprehensive work already undertaken before components of the evidence base become out of date"*.
25. The Council will therefore continue to give weight to up-to-date elements of its evidence base, for example when considering planning applications.

#### **Question 15: What are the impacts on Neighbourhood Plans?**

##### Made neighbourhood plans

26. The status of made neighbourhood plans will not change. They will remain as part of the Council's development plan and will be used to help determine planning applications. The National Planning Policy Framework indicates that neighbourhood plans more than 5 years old, or that don't allocate any housing sites, have less weight when housing numbers are being considered as part of a planning proposal.

##### Delayed neighbourhood plans

27. There are currently four neighbourhood plans awaiting referendum (Cowfold, Itchingfield, Lower Beeding and Pulborough) and a further one awaiting examination (West Chiltington). Progress on these plans has been held up due to water neutrality.
28. Now that the Inspector's letter has been received, the Council can now advise the affected parishes on the next steps to ensure their plans can progress. Following discussion with the relevant parish councils, updates will be made on the relevant Neighbourhood Plan pages.

##### New neighbourhood plans and Neighbourhood Plan reviews

29. The Council recognises that the Inspector's letter, together with the increased national housing targets, is likely to generate questions for many neighbourhood planning groups across the District. The Council is considering these implications and how we can best continue to support parishes on neighbourhood planning matters. We will shortly be engaging with all parish councils to explore the options.