

By email

Our ref: BC/SD

Your ref:

Date: 16 December 2024

Dear Sir,

### **Horsham District Local Plan Examination Hearing**

Horsham District Council (“the Council”) recognises that Inspector Luke Fleming (“the Inspector”) is not inviting responses to his letter of 16 December 2024 (“the Letter”). However, given the implications of the Letter, the Council wishes to respond despite the very limited detail provided at this stage and lack of specific reasons given for the decision to cancel the further hearing dates.

The Council is surprised by the peremptory nature of the Inspector’s actions at this stage, given that no forewarning was given to the Council prior to the hearings commencing that such concerns existed, nor was there any request or requirement for a pre-examination hearing where these matters might have been explored. The Council would have a reasonable expectation that such a course of action should have been adopted.

Furthermore, the Council considers it is premature of the Inspector to cancel the hearings and issue the preliminary letter in the absence of detailed reasons to which the Council is able to respond, and to effectively make a decision in advance of receipt of the further evidence he has requested from the Council on the matters that appear to concern him. We respectfully suggest that the public interest is not properly served in the absence of such fairness.

The public interest in having a local plan in place is self-evident, even in circumstances such as here, where there may be a need to undertake a review of the plan in the new year, pursuant to the requirements of the new NPPF, (in accordance with forthcoming revised development plan regulations). There is, so far as we are able to determine, no issues identified by the Inspector in relation to other important components of the plan that are causing the same level of concern.

The main issues that appear to concern the Inspector are:

- 1) Meeting housing needs and the Sustainability Appraisal (“SA”);
- 2) Whether the Council has discharged its Duty to Cooperate;
- 3) The purported 6 month time limit in relation to delay in the examination of local plans.

The Council’s position is that there is no reason why the examination should not consider whether it is expedient to add further sites to deliver housing to meet its need. Nor does the Council believe that the examination is prevented from doing so as an expedient solution in the public interest, provided that such sites are able to demonstrate water neutrality (based on

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such evidence as may now be available). This includes the strategic sites promoted through the plan process which have already been assessed as part of the foregoing Sustainability Appraisal process and which can be brought forward and reassessed (including such evidence as is available post Submission) as part of a further Sustainability Appraisal in order to determine whether it is feasible and sound to include further strategic allocations.

In this regard, and by way of example only, the Council places reliance on the pragmatic and reasonable approach of Inspector Fieldhouse when examining the Local Plan submitted by West Berkshire District Council ("WBDC"). That plan was submitted on 31 March 2023. The hearings commenced on 8 May 2024 and concluded in October 2024.

Inspector Fieldhouse's Interim Letter dated 19 July 2024 suggested modifications regarding additional homes to be delivered and highlighted that he considered there was a shortfall in housing of approximately 850 dwellings compared to the minimum over the plan period. As a result of the indications during the hearings, the Council was able to re-assess sites that were considered suitable and available since the plan was submitted for examination. The WBDC put forward amendments and additions to the plan as follows:

- (i) The one strategic site in the plan was increased from 1500 to 2500 homes;
- (ii) Four additional sites were included totalling 433, thereby adding 1433 homes to be allocated.

Those sites were then the subject of main modifications and further sustainability appraisal (which is, of course, an iterative and ongoing process).

The hearings took place between May and October 2024 and the main modifications are now being consulted upon such that there was not an unreasonable delay as a result of those amendments.

The Council sees no reason why a similar approach could not take place in respect of this examination.

It is, we suggest, incumbent on the Inspector therefore to re-consider his position and to contemplate re-opening the examination hearings in the new year in order to consider the options available to the Council to overcome any concerns the Inspector may have with respect to the soundness of the plan via the examination process and subsequent modifications procedures. We would urge the Inspector to use further sittings to examine the other elements of the plan whilst work is undertaken in relation to the SA with the inclusion of the further sites, as necessary.

During the hearing sessions last week, a number of Action Points were identified for the Council during the course of the week. This document was updated at the Inspector's request on Friday 13th December 2024 setting out the Council's expected timescales for the completion of this work. Given the Letter, clarification is requested from the Inspector as to whether the additional work identified for the Council is still required.

Yours sincerely



**Barbara Childs**  
Director of Place