



Horsham
District
Council

Horsham District Local Plan Examination

Legal and Procedural Requirements Topic Paper

March 2026

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Introduction

1. This paper has been produced to demonstrate how the Council has complied with legal and procedural requirements in the preparation of the Horsham District Local Plan 2023-2040 (the Plan). In doing so, this paper covers the following elements:
 - The Local Development Scheme
 - The Statement of Community Involvement
 - The Sustainability Appraisal
 - Habitats Regulations Assessment
 - Climate Change Obligations
 - Equality Impact Assessment
 - Saved policies
2. For the avoidance of doubt, it is noted that from 25 March 2026, the duty to co-operate (which is currently located in s.33A of the Planning and Compulsory Purchase Act 2004) will have formally been revoked. This topic paper therefore does not cover this matter as the legal aspects of this requirement will no longer be relevant.

Local Development Scheme

3. At the point of submission in July 2024, the **Local Development Scheme (LDS) (SP03)** in effect was adopted by the full Council on 28 September 2023. In broad terms, the timings of different stages up to submission, accurately reflected the progress of the Plan. However, the Plan was submitted in July 2024, rather than June 2024. This was as a consequence of the unforeseeable occurrence of a General Election in July 2024 (called in May 2024). The pre-election period requirements placed on the Council meant that it was not possible to submit the Plan until after its conclusion.
4. The current LDS was adopted in February 2025¹. At the time it was written, there was uncertainty about the progress of the Plan, and this is reflected in the content of the document. It identified that timely continuation of the Local Plan Examination would enable the adoption of the Plan in April 2026. Now that there is greater certainty over the progression of the Local Plan Examination and the timescales for doing so, the Council intends to produce an updated LDS for consideration by the Cabinet on 20 May 2026, which will reflect the latest position as to how it expects the examination of the Plan to progress towards adoption. The Council will inform the Inspector when this update has been agreed.

Statement of Community Involvement

5. The **Statement of Community Involvement (SCI) (SP02)** was adopted on 24 September 2020. The SCI sets out how and when the Council will involve the community and other interested people and organisations in the preparation of our planning policies and guidance, including the Local Plan and in relation to planning applications.
6. Part 2 of the SCI (Planning Policy) explains how the Council will produce and consult on planning policy documents, including engagement commitments, who we will involve, and the consultation undertaken at each stage of the process.

¹ https://www.horsham.gov.uk/data/assets/pdf_file/0004/144517/Local-Development-Scheme-2025.pdf

7. The **Statement of Consultation (SD11)** demonstrates how the Council has undertaken consultation and stakeholder involvement to produce the Plan in accordance with the SCI, including details of publicising the consultations and summaries of representations. It explains how on-going consultation and engagement from **Issues and Options (SD11a – Issues and Options Summary of Representations)** and **Regulation 18 (SD11b – Regulation 18 Consultation Report)**, contributed to the Plan content which was subject to Regulation 19 period of representation.
8. Paragraph 1.4 to 1.19 of **SD11b** and paragraph 1.6 to 1.13 of **Regulation 19 Summary of Representations (SD11c)** identifies the many measures taken to publicise and promote the Regulation 18 (**CD01**) and Regulation 19 Local Plan (**SD01**). The measures included, but are not limited to, dedicated webpages on the Council website, advertisements in local newspaper, email notifications to statutory consultees and those who had registered on our consultation database, hard copy documentation placed in all District Libraries, as well as Crawley Library for the Regulation 19 period of representation, and social media posts.
9. In addition, for Regulation 18 consultation, public exhibitions were held during the consultation period to promote the draft Plan and enable members of the public to ask questions about its content. Parish and Neighbourhood Council workshops were also held prior to, and post, the Regulation 18 consultation providing the representatives of each of those who attended to ask questions in relation to the content of the Plan. All of the measures outlined accord with the SCI.

Sustainability Appraisal

10. The Sustainability Appraisal (SA) process has been an integral part of the preparation of the Plan. Details of how the SA has informed the preparation of the Plan at each stage and has addressed relevant regulation is highlighted below.

Regulation 18

11. In 2019, the **SA Scoping Report (SD03d)** was published. It identified specific sustainability issues that the Plan needed to address. The identified issues were used to develop the SA Framework (Chapter 11) - a collection of 17 social, economic and environmental objectives that have been used to test the sustainability of policy options as they were developed.
12. The SA Framework was used to inform and appraise the overall spatial strategy options and alternatives for growth. The options developed were first identified in the **Interim Sustainability Appraisal of Growth Options 2020 (Reg 18) (HDC09)** and the **Interim Sustainability Appraisal of Smaller Sites and Policies Report 2020 (Reg 18) (HDC10)**. Section 2 of **HDC10** – particularly paragraphs **2.19 to 2.25** summarise how options were identified and refined. This notes that this is an iterative process throughout the process of plan production. It was also stated that options that were excluded if they were not 'reasonable' - where for example they did not meet local or national plan objectives, or in the case of site allocation, options that were not available or clearly deliverable.
13. The identified options were assessed against the 17 sustainability objectives. This included an appraisal of how different spatial strategy options with distinct quanta of growth, large scale and small-scale site options might combine to form an overall strategy for growth, together with an appraisal of the potential effects of the emerging draft district-wide policies. A summary of this process is presented in paragraphs **10-13** of **SD03b. HDC09 and HDC10** also made recommendations for improvements and clarifications to mitigate negative effects and maximise the benefits of emerging policies. The outcome of this assessment informed the development of **Regulation 18 Local Plan (CD01)**. This consultation on **CD01** sought feedback on the overall quanta of growth that the District could accommodate and consulted on a number of potential site allocations that had also been identified through the sustainability appraisal process to that point in time.

Regulation 19 (to July 2021)

14. The outcomes of the Sustainability Appraisal, and the responses to the Regulation 18 consultation (as summarised in the **Regulation 18 Consultation Summary Report, SD11b**) were used to identify and recommend options and sites to take forward to the Regulation 19 Local Plan.
15. In the work leading up to the preparation of the **Horsham District Local Plan 2021-2038 Regulation 19 Draft Copy (SS02)**, the SA framework was used to appraise two additional higher quanta of growth options. This was undertaken to consider the potential for the District to accommodate unmet housing needs from neighbouring authorities. An updated appraisal of larger site options was also undertaken to ensure the most recent information regarding site capacity and development provisions (including any new services and facilities) for each site was considered.
16. In addition, the SA Framework at this stage was also used to appraise additional growth scenarios to ensure all reasonable alternatives for the distribution of development had been considered. Finally, the SA was used to appraise the emerging 2021 Preferred Strategy (spatial vision & objectives, policies and site allocations), identifying potential mitigation measures where significant negative effects were found, wherever possible. The SA Findings at this stage are presented in Chapters 4-8 of the **Sustainability Appraisal July 2021 (SD03b)**.

Regulation 19 (post July 2021)

17. **SS02** was positively considered by Cabinet in July 2021, but was never considered by full Council for approval and thus was not made available for a publication period. An initial delay was caused by the publication of a revised NPPF, that necessitated that amendments were made to SS02. A more fundamental issue arose as a result of the receipt of the **Natural England Position Statement (CC08)** on water neutrality in September 2021, as it was unclear as to whether the planned growth could be achieved.
18. Additional sustainability appraisal work was subsequently undertaken by HDC in coordination with other authorities affected by water neutrality to ensure consistent assessment of alternative options in relation to this matter. Changes to the overall strategy and development quanta were considered in the context of appraisals of spatial options scenarios at earlier stages of the SA. Changes to policies, large and small site options and an assessment of two alternative water efficiency targets were appraised. The outcome of this element of the SA process work is set in full in the **Sustainability Appraisal Update December 2023 (SD03a)**. The outcomes from this assessment informed the Plan's ultimate selection of the spatial strategy, and the recommendations for improvements and clarifications to mitigate negative effects also informed the development of the policy wording.
19. The process included an assessment of the overall cumulative effects of all policies in the Plan. This process identified whether any significant negative impacts existed and required mitigation. A summary of how the Plan will contribute to the mitigation of these negative effects is presented in **section 8.4 of Sustainability Appraisal Update December 2023 (SD03a)**.

Consideration of Reasonable Alternative

20. The SA process has been an iterative one carried out alongside the preparation of the Plan. As a result, the documents **SD03a** to **SD03d** need to be read in conjunction with each other.
21. The **Sustainability Appraisal July 2021 (SD03b)** provides details of how options and alternatives have been considered. This is set out in Section 2 (Methodology) under the heading SA Stage B 'Developing and Refining Options and Assessing Effects'. It is only reasonable alternatives which require evaluation as part of the SA process. With reference to reasonable alternatives, paragraph **2.21** states that where options do not meet local or national plan objectives, or in the case of site allocation options that were not available or deliverable, these were excluded from the assessment process. These took account of both the Council's evidence base and the outcome of the various Local Plan consultation exercises (paragraph **2.23**). Paragraphs **2.24** to **2.28** of this document also

go on to set out the detail as to how options were identified, for example sites which were not classified as 'available' in the Council's site assessment were excluded from assessment. Paragraph **2.29** confirms that the main focus for the assessment of reasonable alternatives concerns those which relate to the Council's overall strategy in terms of the quantum and distribution of growth.

22. With regard to alternative policy options, paragraph 2.31 explains that the starting point for the preparation of this plan was a review of existing policies within the current **Horsham District Planning Framework (HDC05)**. Policy options were either influenced by the overall spatial strategy options. However, for most policies it is stated that the policy option was to have no policy or a policy that would be contrary to government policy. These options were not considered to be realistic reasonable alternatives and have therefore been excluded from a detailed assessment. This stage of the process instead focused on the identification of the likely impacts of the draft policies in sustainability terms.
23. **Sustainability Appraisal Update December 2023 (SD03a)** provides an update to the alternative options considered in connection with the spatial strategy. **Chapters four and five** summarise the position to July 2021, with **Chapters six and seven** setting out the updated position in relation to water neutrality.
24. **Sections 4.6 to 4.12** cover the five quantum of housing growth options (from 'lower growth' options, incrementally increasing to a 'maximum growth' option). In summary, the appraisal outcomes found that higher levels of growth performed better socially and economically, for example in addressing housing need, and supporting sustained economic growth and job creation. Higher growth could increase pressure on existing services such as schools and healthcare but could also lead to new services being provided. Higher growth, however, was identified to have more negative impacts on biodiversity, landscape, heritage, water, flooding, soils/minerals, air quality and climate.
25. **Sections 4.17 to 4.24** address the six broad spatial strategy options for the distribution of development across the district. These included consideration of the continuation of the existing settlement hierarchy, new garden towns and urban extensions. The outcome of this assessment was used to inform sustainable approach for development in the District.
26. The identification and assessment of large site options is set out in **paragraphs 4.25 to 4.44**. Sites were identified via direct promotion of available sites, and the identification of one location ('the Ashington cluster') where a combination of smaller sites was identified as having potential for growth. During the process of plan preparation this led to 12 large site options being considered as locations for strategic scale growth, albeit that some options fell away during the process of plan preparation when sites ceased being actively promoted for development. This is set out in (**paragraphs 4.34 and 4.35**)
27. **Paragraphs 4.45 to 4.58** set out the approach to the identification and assessment of smaller site alternatives which were identified and assessed in line with the aforementioned methodology explained above.
28. **Section six of Sustainability Appraisal Update December 2023 (SD03a)** sets out how the impact of water neutrality was taken into account in the assessment of options. In particular, **section 6.6** identified the options considered in relation to the different levels of water efficiency standards applied to new growth in the submitted water neutrality policy. **Paragraph 6.48** discussed the impact of water neutrality on growth options and concluded that the requirement for water neutrality limited the options for the scale of housing growth, and that the options for spatially specific housing growth were focussed on scenarios 1a to 1d.

[Compliance with relevant regulations](#)

29. **The Sustainability Appraisal Update December 2023 (SD03a)** was published at the Regulation 19 stage, as required under the Town and Country Planning (Local Planning) (England) Regulations 2012. The document, together with earlier stages of work carries out an appraisal of the

sustainability of the plan and policies and presents the findings in a report as required by the Regulations. Consultation on the SA was carried out in accordance with relevant legislation.

30. **SD03a** builds on the findings of earlier Sustainability Appraisal work undertaken in 2020 and 2021. The earlier Regulation 19 Consultation document and appendices are published as **Regulation 18 Consultation Summary Report (SD03b)** and **Regulation 19 Summary of Representations (SD03c)**, **Interim Sustainability Appraisal of Growth Options 2020 (Reg 18) (HDC09)** and **Interim Sustainability Appraisal of Smaller Sites and Policies Report 2020 (Reg 18) (HDC10)**.
31. **SD03a** presents the information required under the 2004 Act and the Environmental Assessment of Plans and Programmes (SEA) Regulations (2004) by presenting an appraisal of “the plan and reasonable alternatives” and “an outline of the reasons for selecting the alternatives dealt with” within the SA report. A table signposting how the SA Report meets the requirements of the SEA Regulations is included in **section 2.3 of SD03a**. Similar signposting is also set out in each earlier iteration of the sustainability appraisal work.

Further ongoing work

32. As a result of the decision to withdraw the **Natural England Position Statement (CC08)**, the Council is exploring the potential to allocate additional sites to achieve greater levels of housing growth. In doing so it recognises that additional sustainability appraisal work is required to assess the implications of different growth options and locations and to reappraise relevant parts of the Plan as appropriate. This will include the spatial strategy and potential site allocations. It has appointed AECOM to undertake this work and it is intended that an SA Report will accompany any consultation on main modifications, anticipated to take place in summer 2026.

Habitat Regulations Assessment

33. AECOM was appointed by Horsham District Council to undertake a **Habitats Regulations Assessment (SD07)** (HRA) of the Plan. The objective of this assessment was to identify any aspects of the Plan that would cause an adverse effect on the integrity of European sites either alone or in combination with other plans and projects. The HRA assessment was undertaken in full compliance with the Habitats and Species Regulations 2017² (as amended).
34. The assessment included a formal screening for any Likely Significant Effects (either alone or in combination with other plans or projects). This was undertaken in **Chapter 2 of SD07**, which also outlines the methodology of the assessment.
35. **Chapter 3** assesses the ‘Relevant Impact Pathways’ on the European sites. Where these effects cannot be excluded, assessing them in more detail through an Appropriate Assessment (AA) is required to ascertain that an adverse effect on the integrity of the site can be ruled out and this is assessed in detail throughout **Chapter 4 and Chapter 5**. Where an adverse effect on a European site cannot be ruled out, and no alternative solutions can be identified, then the project/plan can only then proceed if there are imperative reasons of over-riding public interest (‘IROPI’) and if the necessary compensatory measures can be secured. **Chapter 7** concludes that suitable mitigation has been identified for all possible significant effects (most notable are those relating to the Arun Valley Sites and water abstraction, and to The Mens Special Area of Conservation (SAC) and air quality), therefore the IROPI test has not been applied.
36. Following representations made by Natural England during the Regulation 19 publication period relating to a potential impact from local plans on atmospheric ammonia levels affecting The Mens SAC further assessment of air quality was undertaken in September 2024 and published as an addendum to the Local Plan HRA - **Habitats Regulations Assessment Air Quality Addendum (SD09)**. This examines in detail the emissions of nitrogen oxides (NOx) and ammonia (NH3) from traffic on the A272 past The Mens SAC over the plan period. This work supersedes the air quality

² Conservation of Habitats and Species Regulations 2017 (as amended): <https://www.legislation.gov.uk/uk/si/2017/1012>

assessment reported in paragraphs 6.51 to 6.75 of the main HRA published in November 2023 (**SD07**). The Air Quality Addendum is accompanied by the Habitat Regulations Assessment Air Quality Mitigation Strategy (**SD10**), which addresses the Natural England representation. It should be noted with the exception of Air Quality the conclusions of the HRA and proposed mitigations have been agreed as reflected in the **Natural England Statement of Common Ground (DC14)** between the Council and Natural England.

37. An updated HRA will be produced to take account of any relevant modifications that it would wish to make to the Plan and any changes in circumstances to the status of any protected European sites – including in response to the withdrawal of the **Natural England Position Statement (CC08)**. It is intended that an updated HRA Report will accompany any consultation on main modifications, anticipated to take place in summer 2026.

Climate Change Obligations

38. The Council recognises its statutory obligations in relation to climate change, and in accordance with section 19 (1A) of the Planning and Compulsory Purchase Act 2004, and paragraphs 152-158 of the NPPF, the Plan includes a number of policies that directly relate to the mitigations of, and adaption to, climate change. The spatial objectives of the Plan (Chapter 3, Table 1), which underpin its vision for Horsham District, also includes specific reference to climate change.

39. The Council has carefully considered the evidence and representations received in relation to climate change, which has led to policies which seek to fulfil the aims of both National Planning Policy and Guidance, as well as other national legislation and what are understood to be the communities' aspirations. The policies arrived at with Chapter 5: Climate Change and Water are considered to be the most appropriate approach for achieving a positive strategy for addressing climate change at a local level. The following policies are contained within Chapter 5:

- Strategic Policy 6: Climate Change
- Strategic Policy 7: Appropriate Energy Use
- Strategic Policy 8: Sustainable Design and Construction
- Strategic Policy 9: Water Neutrality
- Strategic Policy 10: Flooding

38. In addition to the above policies, other policies within the Plan are also relevant and have links to climate change:

- Strategic Policy 12: Air Quality
- Strategic Policy 17: Green Infrastructure and Biodiversity
- Strategic Policy 20: Development Principles
- Strategic Policy 24: Sustainable Transport
- Policy 25: Parking
- Strategic Policy 27: Inclusive Communities, Health and Wellbeing

40. The policies within the Plan have also been informed by evidence relating to climate change. This includes the **District Wide Carbon Reduction Study and Carbon Audit of the Local Plan (CC02)**, which concluded in **paragraph 7.13** that the Plan has many positive stances on addressing the Climate Emergency. The recommendations from this study were fed into the Plan, for example, the requirement for an Energy Statement for new developments.

41. **CC02** identified that as Horsham is a rural district the largest source of carbon emissions is due to transport, for which mitigation is generally not directly under the Council's control. However, the Policies above aim to reduce the dependence on private transport where possible and in conjunction with the councils separate **Electric Vehicle Charging Point Strategy (CC01)** will contribute to the mitigation of the effect of climate change.

[Equality Impact Assessment](#)

42. The **Equalities Impact Assessment of the Horsham District Local Plan (SD05)** (EqIA) was undertaken as part of the wider Sustainability Appraisal process and has therefore been a consideration throughout the entire process of plan preparation. Paragraph C.4 of this paper identifies the nine groups with protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) identified in the Equality Act. The policies within the Plan have been tested to consider what impacts its policies would have on those in the District with those protected characteristics, and the results of that assessment are set out in **Table 1 of SD05**. The purpose of this appraisal was to ensure that the local plan policies provided equality of opportunity for all groups and eliminated unlawful discrimination.
43. All policies were shown to have either a positive, mixed or neutral effect in relation to the protected characteristics. The Plan contains specific policies to address identified equalities issues, and the policies have been updated to take account of the findings of the EqIA. For example, this includes the allocation of land to take account to the requirement to provide for the identified housing needs of Gypsies and Travellers within Horsham District. In addition, updates have been made to the plan to highlight the need ensure that developments should be designed to accommodate all sections of society including but not limited to the young, old and those with disabilities.
44. It was also important that the protected characteristics identified in the Equalities Act were taken into consideration when preparing and consulting on the Plan, in particular ensuring that all groups had the opportunity to access and participate in consultations. The Council utilised its stakeholder database to notify a range of bodies and people of the start of the consultation, as evidenced in the **Statement of Consultation (SD11)**. Both consultation recipients and respondents included groups and organisations representing those with protected characteristics. To ensure that the consultation was made as accessible as possible, in addition to contacting all those who had signed up to receive notifications for the Local Plan, the Council undertook Parish Council Workshops, Public Exhibitions, consultation materials to libraries, adverts in the District Post and Social Media to publicise the consultation.
45. Further EqIA work is programmed to consider any impacts arising from modifications or additional allocations which are proposed to the plan.

[Saved Policies](#)

46. The Council notes that Regulation 8(5) of the 2012 regulations states: “Where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy.”
47. It is therefore considered appropriate for the Inspector to recommend a main modification to include a schedule to identify all policies in the HDPF which will be superseded by the Plan, and also identify corresponding replacement policies to be included in the Plan. For avoidance of doubt, it is intended that all HDPF policies will be replaced with the exception of HDPF Policies SD1 to SD9 (inclusive) which are intended to be ‘saved’ and remain as part of the development plan.