



Horsham
District
Council

Local Plan update and the new NPPF

28 January 2025

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The story so far - timeline

Date	Event	Notes
April-May 2018	Issues and Options Document	First consultation on employment, tourism and sustainable rural development
Feb-March 2020	Regulation 18 Consultation	Consultation asking key questions relating to growth and policy matters
July 2021	Cabinet Meeting	Cabinet resolved to put forward Reg 19 document. Did not progress to full Council as intended due to new NPPF publication
Sept 2021	Natural England Position Statement	NEPS received, advising that development should be water neutral.
September 2022	Joint PINS advisory Meeting	All affected water neutral authorities discussed with PINS work relating to water neutrality
November 2022	Water Neutrality Studies completed	'Part C' identifies policy approach and key concepts for an offsetting scheme

The story so far – timeline cont.

Date	Event	Notes
May 2023	Council Elections	Regulation 19 document not considered prior to elections – work with new Cllrs in aftermath
June 2023	Second Joint PINS advisory Meeting	Discussed approach to water neutrality and growth
December 2023	Cabinet/Council Meeting	Council approve Regulation 19 for publication.
Jan-March 2024	Regulation 19 publication	Publication period for Regulation 19 period.
May 2024	General Election announced	Prevents submission until July.

The story so far – timeline cont.

Date	Event	Notes
July 2024	Submission	Inspector and Programme Officer appointed
Aug	Inspector's preliminary matters	Inspector draws Council's attention to letter from the Planning and Housing Minister, which discourages drawn-out examinations
Oct	Provisional programme	Inspector issues v1 of hearing programmes – four weeks of hearings, no suggestion of soundness issues
Dec	Hearings	Hearing sessions on 10, 11, 12 December, at which Inspector states he has 'significant concerns' over soundness (mainly on water neutrality and housing)
16 th Dec	Inspector's holding letter	Inspector confirms that remaining hearing sessions have been cancelled
Dec-Jan	Inspector's Action Points	Officers responding to series of Action Points – mainly to provide further evidence on matters

Examination summary update

In summary, the situation is that:

- The Inspector has confirmed that **the examination is paused**, and further hearing sessions have been cancelled.
- The Inspector **has not given clear reasons** as to why his concerns are so great as to justify this course of action.
- Officers are very surprised and disappointed that the Inspector has halted proceedings at such a late stage. There was **no prior indication from the Inspector that any fundamental concerns existed**, despite the Plan being submitted back in July.
- Officers have written to the Inspector to express its disappointment and requesting clear reasons for the course of action he has taken. The Inspector has acknowledged, but not responded to, these concerns.
- In parallel, **officers have worked through 16 'Action Points'** in which the Inspector has asked for explanatory notes from the Council.

The story so far – key questions

Why was the Local Plan submitted in July when there was uncertainty over the NPPF and water neutrality?

- Local Plan had already suffered a four-year delay.
- This was posing an ever-increasing risk of unwanted speculative developments gaining permission at appeal.
- Delayed neighbourhood plans could not be completed until the Local Plan HRA had been tested at local plan examination as they were dependent on the strategic water neutrality solution too.
- It has been known that a new planning system and revised national policies would soon increase the Government-set housing target. The Local Plan had to be delivered in the transitional ‘window’ to avoid a further lengthy delay to plan making and even higher housing targets.

The story so far – key questions

Why was the Local Plan submitted in July when there was uncertainty over the NPPF and water neutrality (continued)?

- Water neutrality is not a permanent status. Natural England could withdraw their Position Statement at any time, meaning our lower ‘water neutrality housing target’ would be harder to justify. Our informal view is that NE appear to be under increasing pressure from central government to find a way to do so, given the government drive to increase housing numbers.
- The draft Plan was subject to a Planning Inspectorate health check before submission, at which point no concerns were raised.

The story so far – key questions

Has the Local Plan run into trouble because there is too high a housing target given the lack of sustainable water supply?

- In the hearing sessions, the Inspector strongly challenged the Council's view that water neutrality will (or should) constrain future housing growth.
- It was clear that the Inspector thought water neutrality could be secured without the need for SNOWS, including on strategic sites that we have not allocated.
- The Inspector indicated he thought the Council should have tested higher housing numbers, including to meet neighbours' unmet needs, more thoroughly.
- The Inspector therefore is concerned that our housing target may be **too low**. He did not at any time suggest that he thought the target was too high.

The story so far – key questions

What does the examination pause mean for our approach to water neutrality overall?

- The Council was confident that the approach was correct (and it was fully endorsed by the Inspectors for the Crawley Local Plan).
- Chichester District Council is also at examination, and no key concerns regarding the principles of SNOWS were raised in the Inspector's letter published last week.
- An identically worded water neutrality policy was found sound by the Crawley Inspectors.

The story so far – key questions

What does the examination pause mean for our approach to water neutrality overall (continued)?

- Independent advice has supported the submission Local Plan and its approach to SNOWS.
- But our Inspector did appear to have doubts as to the reliability of SNOWS, partly as there has been a delay to its launch. (This is due to Southern Water's Water Resources Management Plan being delayed, upon which SNOWS relies.)
- To move forward, the Inspector must agree that SNOWS is needed, and that it will be successful at achieving water neutrality.

The story so far – key questions

And how does the delay affect neighbourhood plans?

- Neighbourhood plans at Referendum stage also depend on SNOWS. Due to risk around Habitat Regulations, the referenda for Pulborough, Cowfold, Lower Beeding and Itchingfield have had to be paused, and the examination for West Chiltington delayed.
- Representatives from all the affected parishes were informed of this in Teams meetings on 18 December 2024 and 15 January 2025.
- Neighbourhood Plan reviews could be impacted by pause in examination
 - Lack of clarity as to policy framework and next steps
 - Uncertainty around housing numbers and sites
 - Shared desire to avoid abortive work.

What happens next?

- We cannot make any decisions on the Local Plan until we have heard back from the Inspector.
- The Inspector has advised that he will provide his detailed reasons in a letter ‘as soon as possible’.
- Decisions on planning applications will, however, need to continue.

What happens next (cont.)?

- We are also expecting more information on water neutrality in the next few months, all of which may have a further impact on the examination:
 - A ‘Sustainability Study’ being prepared by Southern Water as directed by the Environment Agency. This will determine whether abstraction at Pulborough needs to be permanently restricted.
 - The finalisation of the new Water Resources Management Plan (WRMP).
 - A proposal by Natural England to undertake a ‘plan-led’ approach which would draw from abstraction licence changes at Pulborough, the WRMP and continued tight water efficiency local plan policies. This could impact on the Natural England Position Statement in its current form.

National Planning Policy Framework

- New NPPF published on 12th December
- Central emphasis remained unchanged – planning system to facilitate increased housebuilding
- Standard Housing number is now 1,357
- Transitional Arrangements:
 - Paras 234-235 explain that “...*the plan will be examined under the relevant previous version of the Framework.*” – for HDC, the September 2023 NPPF
 - Para 236 states “...*if the housing requirement in the plan to be adopted meets less than 80% of local housing need the local planning authority will be expected to begin work on a new plan, under the revised plan-making system provided for under the Levelling Up and Regeneration Act 2023 (as soon as the relevant provisions are brought into force in 2025), in order to address the shortfall in housing need.*”

Next Steps

- We do know the Inspector was concerned during the hearings that plans should not be delayed by more than 6 months in the event modifications were required.
- The Council has set out in its Action points that it is confident that it can complete necessary updates to the plan within such a timeframe, if the inspector considers these are necessary.
- It is also explaining that the impact of devolution could leave the HDC in a policy vacuum for some time without progression of this plan which in our view would be counterproductive to place making and housing delivery.

Outcomes under any scenario

Outcome	Explanation
The scale of speculative development will increase	<ul style="list-style-type: none"> • Under the new NPPF, any area lacking a local plan that is less than five years old falls under the ‘presumption in favour of sustainable development’. • Areas that aren’t meeting the ‘Housing Delivery Test’, or can’t demonstrate a 5-year housing land supply, also fall under the ‘presumption’. • The longer we don’t have an adopted Local Plan, the greater the period during which we can’t successfully refuse applications. • The risk of appeals, JRs and designation will rise significantly, particularly if water neutrality falls away as a material consideration

Outcomes under any scenario

Outcome	Explanation
We will have to undertake an early Local Plan review	<p>The NPPF transitional arrangements mean that we will have to begin a review of the Local Plan, even if the HDLP is adopted. This will need to plan for the new 'standard housing' target of 1,357 per annum.</p> <p>However the review would take around 2½–3 years to complete. IF we do manage to get the HDLP adopted, the new Plan would prevail and make speculative development less likely.</p>

Useful links

HDC – Responses to Action Points

<https://www.horsham.gov.uk/planning/local-plan/local-plan-examination/Examination-Library> - listed under Post Submission Documents and then under Council documents

Latest press release.

<https://www.horsham.gov.uk/news/2025/01/council-ready-to-proceed-to-next-stage-of-local-plan-examination>

Questions?

