



To All Councillors,

You are summoned to an Extraordinary Meeting of Billingshurst Parish Council on **Wednesday 7 February 2024 at 7pm at the Billingshurst Centre.**

Members of the public are welcome to attend this meeting and speak for a maximum of three minutes about an item on the agenda for this meeting during the Public Session at the discretion of the Chairman.

G.C. Burt
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Clerk to the Council

30 January 2024

AGENDA

1. Chairman's Announcements.
2. Apologies for Absence.
3. To Receive Declarations of Interest and consider any requests for a dispensation.
4. Presentation by Cllr John Milne, Cabinet Member for Planning & Infrastructure, Horsham District Council to *explain the background and reasoning for our decision to allocate East of Billingshurst* in the Draft Local Plan. To receive any questions.

Adjournment for

5. Public Session (Members of the Public INCLUDING DISTRICT AND COUNTY COUNCILLORS may speak for up to 3 minutes at the discretion of the Chairman).

IT WOULD BE HELPFUL IF THOSE WISHING TO SPEAK ON THIS OCCASION, COULD INFORM THE CLERK IN ADVANCE (clerk@billingshurst.gov.uk.) IT WOULD ALSO ASSIST IF GROUPS WISHING TO SPEAK, COULD NOMINATE JUST ONE SPEAKER. ALL SPEECHES WILL BE TIMED AND MUST NOT EXCEED 3 MINUTES.

Resume Meeting

6. To consider response to consultation on Horsham District Council Draft Local Plan, Regulation 19. Appendix A. **(Attached or to follow.)**
7. Date of Next Meeting – **13 March 2024**

Members of the public should be aware that being present at a meeting of the Council or one of its Committees or Sub-Committees will be deemed as the person having given consent to being recorded (photograph, film or audio recording) at the meeting, by any person present.

APPENDIX A

BILLINGSHURST PARISH COUNCIL

7 FEBRUARY 2024

LOCAL PLAN

REPORT BY CLERK TO THE COUNCIL

FOR DECISION

At Regulation 18 stage of the Horsham District Local Plan, the Parish Council considered the matter on 21 November 2021:

103/21 Local Plan Working Party

To receive notes of meetings

*On the proposal of Cllr Graeme Acraman, seconded by Cllr Doug Waller, **RESOLVED** that the notes of the meetings held on 31 August and 26 October 2021 be received.*

Recommendations of the meeting held on 26 October 2021

The Chairman of the Working Party, Cllr Graeme Acraman said the Working Party had looked at all the issues carefully and it had not been an easy matter to consider. Land at Adversane had been discounted, so it looked at just East and West. East would be contained in the existing village envelope. West would push the village envelope out beyond the natural settlement boundary and increase traffic into the village. The bypass will be a physical divide between the existing village and new village. There are only two safe pedestrian walkways into the village from the West site, over the A29 bridges. HDC has not yet formally decided which site to confirm, but we need to work with them to secure the best outcome. By supporting East, it was the intention to also work with education and health providers to try to secure definite improvements, not just promises. West Sussex County Council (WSSCC) is sitting on a potential pot of money for a new school; what has it done with it? The Parish Council had not really engaged with the development of the current East of Billingshurst scheme and look what we got?

Cllr Ken Peters was not convinced East was best, but felt we had to take a decision.

Cllr Barry Barnes was persuaded by the benefit of all the extra new facilities that West would deliver.

Cllr Sarah Wilson favoured West. Dentists didn't take up the previous allocation of land on the current East development. Doctors are struggling to recruit; there is no point in building a new surgery if there are no doctors to staff it! Similarly schools; developers had given lots of S106 education funds to WSSCC; where has it all gone? These matters needed tying down. We keep getting lots of glossy brochures promising things. Felt we were likely to get East.

Cllr Doug Waller said HDC is highly likely to confirm East; if we support West we will get East. The Working Party had given careful thought to the issues and despite personal preferences, had tried to take a pragmatic approach.

Cllr Craig Gale said we will get something! Was concerned about the lack of engagement with developers of existing East site. What is our vision for the future of the village?

The Chairman of the meeting asked for a proposer for the recommendations as presented, but as none was forthcoming, the recommendations fell.

*On the proposal of Cllr Ken Peters, seconded by Cllr Phillip Day, **RESOLVED** that the Council supports the development of West of Billingshurst (and not East of Billingshurst.)*

[Note: This decision is against the advice of the Planning Consultant engaged by the Council and the Council's own officers.]

In an effort to clarify its position on the matter, the Parish Council discussed the matter on the 10 May 2023:

53/23 To consider suggested public position statement on relationship with strategic developers.

Councillors were mindful that on occasions, Council had to consider an issue whilst exercising different functions. The Council was a planning consultee, but also a landowner. Members were mindful that whilst they may be against, for example, more large-scale housing in the parish, they may wish to take a pragmatic view that to not engage with the same developer, could mean the parish not achieving the very best in terms of new infrastructure should the said developer acquire planning permission. It was felt the Council needed to clarify its general position in such instances.

*On the proposal of Cllr Ken Peters, seconded by Cllr Caroline Beresford Pratt, **RESOLVED** that*

Billingshurst Parish Council (BPC) is opposed to large scale developments being constructed within the Parish. However, when developers are exploring options, the Council is ready and willing to work with developers for the benefit of the community as they make their application. Therefore, BPC will support West of Billingshurst in so far as we will work with the developer of West as a landowner for what BPC can gain on behalf of the community, but as a Council remain formally opposed to large scale development in the community. (Wording drafted by Cllr Craig Gale).

The Parish Council subsequently signed a private legal agreement with Highwood (developer of West of Billingshurst) and BSRA (leasee of large part of Jubilee Fields) agreeing that the developer will provide agreed facilities at Jubilee Fields, in the event that they receive planning permission for their site. (Approved by Council on 10 May 2023 Min 77/23 refers.)

Bellway, the developer of East of Billingshurst, did ask the Parish Council if it would meet to discuss a masterplan for its site, and when the Council said yes but it would have to be in public, (in accordance with its Protocol on Pre-Application Meetings with Developers) the developer withdrew the invitation.

Horsham District Council has now published its Draft Local Plan, proposing a strategic housing allocation to the east of the village, and embarked upon Regulation 19 consultation, which asks if their proposals are *Legally Compliant and Sound etc*

Both the Draft Plan and consultation details have all been previously circulated to Councillors.

The questions asked in the response form are appended to this report.

As the Parish Council originally supported West over East, I attended a meeting on 29 January organised by Highwood for those groups and organisations who supported West over East, should there be a housing allocation in the parish.

The following is a personal account of the meeting, hence italics:

Whilst the Highwood team gave an overview of what Reg 19 was all about, clearly all those in the room had read the appraisals of the two sites and drawn their own similar conclusions.

This was largely that the document had hardly been updated since been pulled in 2021 following the water neutrality ruling and was therefore citing out of date info relating to both sites, and it certainly explained the lack of mention of the considerable weight generated in support of west in the last two years.

There was also consensus that if you didn't know better, you would have said that the two sites were appraised by different people as there was a lack of consistency in the conclusion and resulting score, even though they are all meant to follow a uniform methodology.

It seemed that if east scored poorly it got an ok, but if west scored poorly it got, in the words of OFSTED, an inadequate.

I can assure Cllrs that these views were not foisted upon the attendees by Highwood and were the feelings of all present.

If Council does agree to make a representation in line with its current position, I feel now more confident about preparing a suitable response, based on the lack of robustness of HDC coming to the conclusion of preferring east over west, i.e. soundness.

It seems like the Regulation 19 is a bit like a Judicial Review. The judge does not have the power to change the outcome, but he does have the power to ask the relevant authority to review their decision following due process, if flaws have been found in the original process.

There was a consensus that if west isn't to be chosen as the preferred site, then at least HDC should have reached that conclusion following fair and even consideration.

Councillors should be mindful that the agreement that the Council have entered into with the Landowner and BSRA contains the following covenant

4.3 The Landowner, the Parish Council and BSRA shall each use reasonable endeavours to assist Highwood to satisfy the Planning Condition and support Highwood with its Planning Application and representations to the Planning Authority and Sport England but in so doing shall not act independently of Highwood.

4.4 The Parish Council as landowner, BSRA and the Landowner shall not object to any Planning Application or arrange any separate meetings with the Planning Authority in relation to any Planning Application.

The Council is invited to consider the following options:

1. Make no response, in which case that it might be assumed that the Council considers the *Plan legal and sound*.

2. Challenge the Plan on the grounds that it is not legal and sound, Clerk to draft accordingly. (If any Cllr wishes to assist, please advise.)

Horsham District Local Plan 2023 - 2040 (Regulation 19)

Regulation 19 Representation Form



Privacy Statement - Please Read

All comments are published together with names and (where applicable) organisations; therefore, all comments are publicly available and attributable. Horsham District Council will process your details in relation to the preparation of this documentation only. We will only share personal data in accordance with the Data Protection Act 1998 and the UK General Data Protection Regulations. For further information, please see the Council's Privacy Policy and Strategic Planning Privacy Notice: [HERE](#)

Further Contact

Please note that by completing and submitting this questionnaire, you are consenting to being kept informed of further formal stages of the Horsham District Local Plan, including all matters relating to the Local Plan Examination following submission. Please ensure you have read and understood the Privacy Statement above.

If you do not consent to this, you will waive your opportunity to be directly invited to participate in the Local Plan Examination, and you will need to rely on yourself checking the Local Plan website (horsham.gov.uk/localplan) should you wish to be involved further.

Do you consent to being kept informed of further formal stages?

You must provide an answer to this question.

Yes

No

Your Representation

You can upload up to 10 files.

Drop files here

Choose files

4)

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified in response to Q3. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination)

You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please provide a summary of any attachments, such as supplementary evidence, that you have submitted alongside your representation.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the independent Inspector, based on the matters and issues they identify for examination.

You must provide an answer to this question.

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You can upload up to 10 files.

Drop files here

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5)

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note: While this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.









- NO - I do not wish to participate in hearing session(s).
- YES - I do wish to participate in hearing session(s).

6)

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

You must provide an answer to this question.

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PLEASE DO NOT SUBMIT MULTIPLE COPIES OF THE SAME RESPONSE. IF YOU HAVE COMPLETED THIS ONLINE FORM, THERE IS NO NEED TO SEND A COPY OF THE SAME REPRESENTATION BY EMAIL OR POST.

Finish